

**From:** [Parker Moore](#)  
**To:** [greg\\_j\\_sheehan@fws.gov](mailto:greg_j_sheehan@fws.gov)  
**Subject:** [EXTERNAL] Accepted: Invitation: Follow-Up Meeting with Greg Sheehan and Rusty-Patched Bum... @ Mon Jun 11, 2018 7pm - 8pm (UTC) (Parker Moore)

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**From:** [Parker Moore](#)  
**To:** [greg\\_j\\_sheehan@fws.gov](mailto:greg_j_sheehan@fws.gov)  
**Subject:** [EXTERNAL] Accepted: Invitation: Meeting with Greg Sheehan about the Oil and Gas HCP Coali... @ Mon Jun 11, 2018 8pm - 8:30pm (UTC) (Parker Moore)

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**From:** [Parker Moore](#)  
**To:** [greg\\_j\\_sheehan@fws.gov](mailto:greg_j_sheehan@fws.gov)  
**Subject:** [EXTERNAL] Accepted: Invitation: Meeting: Greg Sheehan/Park Moore of Beveridge & Diamond r... @ Mon Jun 11, 2018 7:45pm - 8pm (UTC) (Parker Moore)

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**From:** [Parker Moore](#)  
**To:** [greg\\_j\\_sheehan@fws.gov](mailto:greg_j_sheehan@fws.gov)  
**Subject:** [EXTERNAL] Accepted: Updated invitation: Follow-Up Meeting with Greg Sheehan and Rusty-Patched Bum... @  
Mon Jun 11, 2018 7pm - 7:45pm (UTC) (Parker Moore)

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**From:** [Parker Moore](#)  
**To:** [gregory\\_sheehan@fws.gov](mailto:gregory_sheehan@fws.gov)  
**Cc:** [Sellars\\_Roslyn](#); ["Irwin\\_Thomas"](#)  
**Subject:** [EXTERNAL] Agenda Topics for June 11 Meeting with RPBB Coalition  
**Date:** Tuesday, June 5, 2018 1:35:37 PM

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Dear Deputy Director Sheehan,

On behalf of the RPBB Coalition, we look forward to seeing you on Monday to follow up on our meeting with you last summer about the rusty-patched bumble bee. I will be joined at the meeting with representatives from CropLife America, National Cotton Council, National Rural Electric Cooperative Association, and National Corn Growers Association (I already have provided the names of the individuals planning to attend to Roslyn and Thomas for security purposes, but have also listed them below for your reference).

As previewed earlier, we are hoping to discuss in more detail some of the possible strategies that we identified for preliminary consideration following our first meeting. Specifically, and in no particular order, we would like to your thoughts on the feasibility of pursuing a multi-industry/programmatic approach to three of those strategies:

- 1) **Programmatic Consultation:** To ensure consistency in and streamline the Section 7 consultation process for the RPBB, USFWS could undertake a programmatic Section 7 consultation and develop a programmatic biological opinion for activities that occur outside of "high priority" RPBB zones. As described in the Service's RPBB guidance documents, these areas would include the locations within the foraging range of all known extant RPBB populations (now and in the future). Accordingly, based on the available information and subject to USFWS's evaluation, it appears that activities outside of "high priority" areas, individually and cumulatively, should not pose a risk of jeopardy to the species.
- 2) **General Conservation Plan:** USFWS and interested industry groups could collaborate in the development of a general conservation plan for the RPBB. We envision two different options for this approach. First, if USFWS is interested in pursuing the programmatic consultation described above for activities outside of "high priority" RPBB zones (and even if not), the GCP could be narrowly focused only on activities occurring within identified "high priority" RPBB zones. Alternatively, the GCP could be designed with a broader scope to cover "high priority" RPBB zones and defined areas surrounding those zones.
- 3) **Safe Harbor Agreement:** USFWS and interested industry groups could collaborate in the development of an umbrella safe harbor agreement that is available to any party that undertakes conservation efforts to benefit the species. This strategy might help address concerns that the listing decision will undermine stakeholder support for ongoing RPBB conservation efforts and disincentivize future conservation efforts by the regulated community.

Please let me know if it would be helpful to provide additional information about any of these strategies before our meeting next week. And we of course would welcome your thoughts on any other approaches that you think might interest the regulated community.

Thank you again for your time. We look forward to seeing you on Monday.

Best,  
Parker

RPBB Coalition Attendees for 6/11/18 (3pm) Meeting

Parker Moore and Jamie Auslander – Beveridge & Diamond  
Steve Hensley – National Cotton Council  
Janelle Lemen and Nathaniel Thoreson – National Rural Electric Cooperative Association  
Colleen Willard – National Corn Growers Association  
Doreen Manchester and Rachel Lattimore – CropLife America

**Parker Moore**  
*Principal*

**BEVERIDGE & DIAMOND, P.C.**

1350 I Street, NW, Suite 700, Washington, DC 20005

**T** +1.202.789.6028 **F** +1.202.789.6190 [PMoore@bdlaw.com](mailto:PMoore@bdlaw.com)

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**From:** [Samantha McDonald](#)  
**To:** [greg\\_j\\_sheehan@fws.gov](mailto:greg_j_sheehan@fws.gov)  
**Subject:** [EXTERNAL] Automatic reply: Updated invitation: Hold: Meeting re: MBTA and Mitigation (Greg Sheehan, Gary...  
@ Thu Apr 26, 2018 3pm - 3:30pm (EDT) (smcdonald@ipaa.org)  
**Date:** Friday, April 13, 2018 2:34:57 PM

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I'll be out of the office on April 13th & 16th. If you need immediate assistance while I'm away, please call (202)857-4722 to speak to another member of the IPAA team.

**From:** [Ryan Yates](#)  
**To:** [MoritzW@michigan.gov](mailto:MoritzW@michigan.gov)  
**Cc:** [Claire.Beck@dnr.state.oh.us](mailto:Claire.Beck@dnr.state.oh.us); [Boggess, Ed \(DNR\)](#); [gregory\\_sheehan@fws.gov](mailto:gregory_sheehan@fws.gov); [Walker, Dave](#); [tom\\_melius@fws.gov](mailto:tom_melius@fws.gov); [Skipwith, Aurelia](#)  
**Subject:** [EXTERNAL] Farm Bureau Comments on Mid-America Monarch Conservation Strategy  
**Date:** Monday, June 4, 2018 3:28:52 PM  
**Attachments:** [MAFWAMonarchPlanComments\(06.04.18\).pdf](#)

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All –

Please see the attached comments regarding the proposed Mid-America Monarch Conservation Strategy submitted on behalf of the American Farm Bureau Federation (AFBF) and the 1,561,029 members of the state Farm Bureaus of Arizona, Illinois, Indiana, Iowa, Kentucky, Maryland, Missouri and Oklahoma.

Thank you.

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**RYAN R. YATES** | *Director of Congressional Relations*  
American Farm Bureau Federation®

600 Maryland Ave, SW Suite 1000W | Washington, DC 20024  
Office 202.406.3664 | Mobile 202.641.1416



June 4, 2018

Bill Moritz, Chairman  
Board of Directors  
Midwest Association of Fish and Wildlife Agencies  
Mid-America Monarch Conservation Strategy

Email letter to: [moritzw@michigan.gov](mailto:moritzw@michigan.gov)

Cc: Ed Boggess ([ed.boggess@state.mn.us](mailto:ed.boggess@state.mn.us)), Claire Beck ([Claire.Beck@dnr.state.oh.us](mailto:Claire.Beck@dnr.state.oh.us))

Dear MAFWA Board of Directors,

These comments are being submitted on behalf of the American Farm Bureau Federation (AFBF) and the 1,561,029 members of the state Farm Bureaus of Arizona, Illinois, Indiana, Iowa, Kentucky, Maryland, Missouri and Oklahoma. Farm Bureau is a non-profit, membership organization directed by farmers who join through their county Farm Bureau. In 1919, farmers and ranchers formed AFBF so they could work together, speak in a unified voice and, as a group, achieve what others alone could not. It is with that same goal in mind, that we all join today to provide comments regarding the draft Mid-America Monarch Conservation Strategy (Strategy). We appreciate the opportunity to provide our perspective.

To begin, in follow up to our exchange of correspondence several months ago, we would like to state that we, like MAFWA, are committed to keeping the lines of communication open between our organizations as we pursue efforts that support monarchs. We appreciate your acknowledgement of the special and important role that private agricultural lands and farmers will play in the conservation of monarch butterflies in years to come. We, likewise, appreciate your commitment to working with agricultural partners on voluntary and incentive-based approaches in this endeavor.

That said, we do have some lingering concerns with the focus, representation, and scale of the Strategy, which we state herein, coupled with opportunity areas for MAFWA to consider.

The Strategy references the primary sectors that are necessary for the effort including private agricultural lands, protected natural lands (public and private), rights-of-way (transportation and energy), urban and developed lands, and other energy infrastructure. The Strategy also states that “participation by all sectors will be needed to accomplish successful monarch conservation.” The Strategy states that it will be an “All Hands on Deck” approach, yet the spirit of the Strategy does not convey equal attention on the part of MAFWA to each sector. The bulk of the narrative and the statements made for future direction appear to focus solely on private agricultural lands.

Despite the Strategy’s attention on private agricultural lands, very little has been done at the regional level to meaningfully engage groups like ours that are comprised solely of private agricultural landowners and farmers. We continue to believe that MAFWA’s Strategy, and its approach into the future, has the best chance of success if it is framed, not as it currently is in the Strategy, but as a framework for each state to continue to engage its stakeholders at the most local of levels. We have seen from experience that that level of activity will allow every sector,

every industry, and every community to have a similar sense of responsibility and opportunity to help the cause. It is our belief that the Strategy would be better suited to articulate the governance that has been established by MAFWA for this effort, discuss the science, and outline state plans.

To help illustrate our point, it is important to note that it is repeated multiple times within the Strategy that, on agricultural landscapes, conservation will be applied in small increments on less productive portions of fields and border areas, many conservation efforts will be small scale (one acre or less) and “effective conservation will require hundreds of thousands of efforts across tens of thousands of land ownerships. Accomplishing the goal within the next 20 years will require a concerted and focused approach working with cooperating landowners and managers on voluntary and incentive-based efforts to restore and enhance private land habitats, as well as increased public land management.” This will only occur with a framework that looks much different from the current MAFWA framework.

As stated in our previous correspondence, many of our state Farm Bureau staff and farmer members are actively involved in state-level planning around monarch conservation. These state planning efforts mostly follow the same approach and bring diverse sector representatives to the table. A major difference between the MAFWA planning effort and those state-level efforts are the involvement of agricultural organizations, such as the Farm Bureau and other commodity and agribusiness groups, the involvement of state Departments of Agriculture, and the involvement of program staff from USDA. When groups like these are involved, it allows an effort to better understand the expertise of farmer priorities and needs, the regulatory world in which farmers operate, and a true understanding of how farm programs work and could work into the future.

Further, the Strategy’s approach of informing policy and program changes to achieve monarch conservation goals is also of concern. While the majority of work will happen on private agricultural lands, the Strategy calls for increased agency and partner resources. That acknowledgement does little to convince the U.S. Fish & Wildlife Service (USFWS) that the conservation goals can be met and a listing should be precluded, which is also a stated goal of the Strategy.

Also importantly, we are concerned that the Strategy focuses largely on recommending changes to Farm Bill programs for the benefit of the monarch butterfly, and does not provide that same level of evaluation or recommendation as to other federal programs, NGO or industry efforts that could also be tweaked to benefit the cause more efficiently or effectively. One area where we are appreciative of MAFWA support is in urging the USDA Farm Service Agency to enter into a Section 7 Consultation and Conference Report with the USFWS to provide predictability to farmers that have enrolled in the Conservation Reserve Program. We too have requested that of our federal agencies.

Again, it is our belief that the Strategy would be better suited to articulate the governance that has been established by MAFWA for this effort, discuss the science, and outline state plans. References to Farm policy and work by a set of conservation partners should be removed and programs that stakeholders are using should be left for inclusion in state plans.

Finally, we believe that proactive conservation by a variety of stakeholders can preclude the need to list the monarch butterfly as a threatened or endangered species under the Endangered Species Act. We continue to work towards that goal by sharing our conservation vision for the monarch in our state plans.

Thank you for the opportunity to comment on the draft Strategy. We appreciate your consideration of these comments and would be available for future discussion on the topic. As a future opportunity area, if it is appropriate, we would be interested in hearing more about the meetings you have planned for Fall 2018 to create action items from this draft plan. Please contact Ryan Yates at AFBF for any questions or more information ([ryany@fb.org](mailto:ryany@fb.org) or 202-406-3664).

Sincerely,

American Farm Bureau Federation  
Arizona Farm Bureau Federation  
Illinois Farm Bureau  
Indiana Farm Bureau  
Iowa Farm Bureau Federation  
Kentucky Farm Bureau Federation  
Maryland Farm Bureau  
Missouri Farm Bureau Federation  
Oklahoma Farm Bureau

cc:

Greg Sheehan, USFWS  
Michael Gale, Special Assistant, USFWS  
Dave Walker, USFWS  
Tom Melius, USFWS  
Aurelia Skipwith, DOI

**From:** [Rachel Lattimore](#)  
**To:** [exsec@ios.doi.gov](#); [WLRoss@doc.gov](#); [Pruitt.scott@epa.gov](#); [Sonny.Purdue@osec.usda.gov](#)  
**Cc:** [Raymond A. Starling -- Exemption 6](#); [M. Hickey -- Exemption 6](#); [Christopher D. Prandoni -- Exemption 6](#); [Gregory\\_Sheenah@hws.gov](#); [Chris.W.Oliver@noaa.gov](#); [Bertrand.Charlotte@epa.gov](#); [Sheryl.Kunickis@osec.usda.gov](#)  
**Subject:** [EXTERNAL] January 31, 2018 Memorandum of Agreement Implementation  
**Date:** Tuesday, April 10, 2018 2:51:11 PM  
**Attachments:** [ESA FIFRA MOA Letter 041018.pdf](#)

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Secretary Zinke, Secretary Ross, Secretary Purdue and Administrator Pruitt:

Please see the attached letter.

Sincerely,

Rachel G. Lattimore  
Senior Vice President, General Counsel, Secretary  
CroLife America  
1156 15<sup>th</sup> Street, NW  
Suite 400  
Washington, DC 20005  
(202) 872-3895 – direct  
(202) 296-1585 – main  
[rlattimore@croplifeamerica.org](mailto:rlattimore@croplifeamerica.org)  
[www.croplifeamerica.org](http://www.croplifeamerica.org)

April 10, 2018

The Honorable Ryan Zinke  
Secretary  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240  
[exsec@ios.doi.gov](mailto:exsec@ios.doi.gov)

The Honorable Wilbur Ross  
Secretary  
U.S. Department of Commerce  
1401 Constitution Avenue, N.W.  
Washington, D.C. 20230  
[WLRoss@doc.gov](mailto:WLRoss@doc.gov)

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
[Pruitt.scott@Epa.gov](mailto:Pruitt.scott@Epa.gov)

The Honorable Sonny Perdue  
Secretary  
U.S. Department of Agriculture  
1400 Independence Ave S.W.  
Washington, D.C. 20250  
[Sonny.Purdue@osec.usda.gov](mailto:Sonny.Purdue@osec.usda.gov)

Via Electronic Mail

Re: January 31, 2018 Memorandum of Agreement Implementation

Secretaries Perdue, Ross and Zinke and Administrator Pruitt:

We write to present a unified voice on the opportunity to address one of the most challenging issues facing the intersection of federal pesticide regulation and endangered species conservation: the need for an efficient regulatory process for aligning federal pesticide registration decisions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) with the requirements of the Endangered Species Act (ESA). We believe these thoughts are both specific and timely as you implement the January 31, 2018 Memorandum of Agreement on Establishment of an Interagency Working Group to Coordinate Endangered Species Act Consultations for Pesticide Registrations and Registration Review (MOA), which we support. For too long, this issue has been marked by divisiveness and conflict as to possible product effects on endangered species and regulatory uncertainty for pesticide manufacturers, farmers, and other users. Your agencies can redouble their efforts from the last four years to move past these conflicts by prioritizing a series of administrative improvements to how pesticides are evaluated. The recent MOA can further this goal considerably.

As a group of diverse stakeholders who care deeply about harmonizing endangered species conservation with agriculture and pest control, we believe that your agencies can and should make further administrative improvements, consistent with the collaborative approaches they have announced, and with their engagement with stakeholders during recent years. There are numerous ways to improve the process of assessing potential impacts to endangered species associated with pesticide registrations. The recommendations here are ones that we mutually support, that we believe are feasible to implement, and that can meaningfully improve the

process. And in pursuing these recommendations, we urge you to engage stakeholders in an open and transparent manner, as contemplated by the MOA.

**1. Develop interagency processes on pesticide consultations that enable the EPA, Services, and USDA to make the best use of each agency's expertise and limited resources**

The expertise needed to complete robust pesticide consultations already exists within the agencies and should be leveraged to its fullest extent. The U.S. Environmental Protection Agency (EPA) has expertise in ecological risk assessments for pesticides, including risk assessment methods needed to evaluate the potential risks of pesticides to non-target wildlife, such as exposure modeling and probabilistic tools, and requires significant amounts of data for pesticide registrations. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service (collectively, the Services) have substantial expertise on threatened and endangered species, including species biology, distribution, threats, and recovery needs. And the U.S. Department of Agriculture (USDA) has expertise on how pesticides are used in agriculture, including the timing and location of pesticide applications. This use information can be shared with other agencies in ways that do not compromise landowner privacy or specific species locations.

To make better use of limited agency resources, EPA should play a larger role in assessing the potential effects of pesticides on endangered species, including at the population and species levels. For the EPA to play such a role, and other agencies to leverage their existing data and resources, your agencies should start by assessing the effectiveness of existing interagency agreements and guidance on how to complete pesticide consultations. This effort should help ensure that all four agencies have a common understanding of their own responsibilities, the key scientific and policy assumptions that underlie an ESA pesticide consultation, including risk-assessment endpoints, and the data and analyses needed to achieve those endpoints. This assessment would also provide stakeholders with the transparency and accountability that should allow them to support this proposed approach.

New guidance could identify clearer roles for each agency based on expertise and available and reliable data. For example, USDA could be relied on for the cropping and pesticide use data it already collects; EPA for quantitative risk assessment tools and uncertainty analysis; and the Services for defining species ranges and evaluating effects at the species level. At the same time, guidance could also identify ways for the agencies to continue improving collaboration so that one agency is not “handing off” its analysis to another agency, but rather coordinating with that agency throughout the consultation process. An improved approach could also allow stakeholders to provide more information and data during the process, similar to how other endangered species reviews under the ESA are completed.

Your agencies can build additional guidance today and implement it as a living document that can be updated easily to reflect improved methods your agencies develop in the future. If successful, the guidance will help ensure that capable agency scientists—whether sitting at the

EPA or the Services—can share and implement a common understanding of how to perform pesticide consultations, facilitating their collaboration.

## **2. Use more refined species location maps and better pesticide use data**

By using more refined data on where species are likely to occur, the EPA and the Services can improve the occurrence maps of many species compared to some of the maps the Services currently use, many of which are county-level. Refined range maps, which could be produced using species distribution models and other robust scientific approaches, would more accurately depict the true distribution of species and may result in fewer overlaps with areas affected by pesticide use, allowing for a better understanding of potential exposure to those species. This should expedite endangered species review for pesticides, improving the EPA's and the Services' ability to meet statutory timeframes under FIFRA and the ESA.

By further involving pesticide registrants and the public, and considering available data, your agencies can make use of more realistic information on when and how pesticides are applied, thus enabling a more refined assessment. This information, when combined with refined species range maps, may enable the EPA and the Services to identify more instances where pesticide use does not overlap with species habitat. We see promising opportunities to work with USDA, state agencies, species expert organizations, growers, and registrants to improve data on pesticide use patterns.

## **3. Adopt better endangered species exposure assessments**

Better exposure assessments can help the Services and EPA make defensible, science-based conclusions that pesticide exposure is low or absent. One approach is to develop and implement an interagency plan to refine hydrological and other exposure models that adopt more accurate assumptions about endangered species exposure to pesticides. We see opportunities to further refine commonly used models to distinguish between realistic and improbable exposure scenarios. More realistic scenarios would help ensure that conservation efforts focus on the species that are most likely to be affected by potential pesticide exposure.

## **4. Take advantage of avoidance and minimization opportunities to improve the efficiency and effectiveness of pesticide consultations**

EPA's registration of pesticides currently includes requirements to avoid and minimize impacts to non-target organisms. To enhance endangered species review, pesticide registrants could choose to voluntarily adopt additional site-specific avoidance and minimization measures for endangered species as part of EPA's registration process or during consultations. Refined species occurrence data are important to these efforts because they may allow pesticide registrants, farmers, and other users to target protective measures to areas where species and their habitats are likely to occur. They may also result in more pesticide consultations being expeditiously resolved. Such an outcome would represent a win for conservation and for

regulated entities: fewer species potentially exposed to pesticides that could pose a risk to them, and quicker and more predictable pesticide registration decisions.

## **5. Support opportunities to use voluntary conservation in pesticide evaluations**

In addition to avoidance and minimization, a pesticide registrant may choose to consider voluntary conservation efforts as an option to expedite, supplement, or simplify endangered species review for a pesticide. This type of conservation effort (similar to a concept known as compensatory mitigation in other contexts and referred to as “mitigation” below) can also conserve species while expediting or simplifying pesticide consultations. This approach has not played a prominent role in pesticide consultations to date. But if registrants choose to pursue this option, effective and timely conservation efforts consistent with mitigation goals could lead to more efficient consultations in some circumstances.

We urge your agencies to devote resources to help interested stakeholders establish voluntary conservation projects and to integrate those projects into pesticide consultations at the request of registrants. Specifically, we encourage the agencies to work with stakeholders to develop a regulatory framework that further incentivizes voluntary conservation to improve or increase habitat for endangered species.

## **6. Prioritize species-use combinations for formal consultation**

We recommend that your agencies consider developing decision systems to help distinguish among situations that pose low, medium, and high likelihood of jeopardy or adverse modification (JAM) in formal consultation. In developing this system, your agencies could consider both species and pesticide use factors. For example, species factors could include abundance, biological status, and prey base. And use factors could include mode of action, route of entry, and areas of use.

Identifying low, medium, and high-risk scenarios will help your agencies apply the most efficient methods to complete JAM analyses. For many scenarios, proxy measures or general principles of conservation biology and ecotoxicology may be adequate to inform the JAM analysis. For other, higher-risk scenarios, more detailed species- and pesticide-specific analyses may be warranted. The goal should be to complete the JAM analysis for low risk scenarios using efficient yet defensible methods, so that agency staff can focus their limited resources on higher risk scenarios that required more detailed, resource-intensive methods.

We believe that these recommendations for managing endangered species review of pesticides will provide for a more efficient approach to species conservation while providing a sound basis for decisionmaking. We also understand that your agencies would need additional resources and funding to implement the recommendations effectively and expeditiously. We ask for a commitment at the highest levels within your agencies to prioritize these improvements to endangered species review of pesticides. With that commitment, we believe an enduring



April 10, 2018

Page 5

solution is possible to the current concerns with the adequacy of endangered species assessments in pesticide consultations.

Sincerely,

CropLife America  
Defenders of Wildlife  
American Soybean Association  
Minor Crop Farmer Alliance  
National Association of Corn Growers  
National Association of Wheat Growers

cc: Mr. Ray Starling  
Special Assistant to the President for Agriculture, Trade and Food Assistance

Raymond A. Starling -- Exemption 6 [.gov](#)

Mr. Michael J. Hickey  
Chief, Environment Branch, Office of Management and Budget

M. Hickey -- Exemption 6 [.gov](#)

Mr. Chris Prandoni  
Associate Director for Natural Resources, Council on Environmental  
Quality [Christopher D. Prandoni -- Exemption 6](#) [gov](#)

Mr. Greg Sheehan  
Principal Deputy Director, U.S. Fish and Wildlife Service  
[Gregory\\_sheehan@fws.gov](mailto:Gregory_sheehan@fws.gov)

Mr. Chris Oliver  
Assistant Administrator for Fisheries, NOAA Fisheries  
[Chris.W.Oliver@noaa.gov](mailto:Chris.W.Oliver@noaa.gov)

Ms. Charlotte Bertrand  
Acting Principal Deputy Assistant Administrator, EPA Office of Chemical Safety and  
Pollution Prevention  
[Bertrand.Charlotte@epa.gov](mailto:Bertrand.Charlotte@epa.gov)

Dr. Sheryl Kunickis  
Director of Office of Pest Management, U.S. Department of Agriculture  
[Sheryl.Kunickis@osec.usda.gov](mailto:Sheryl.Kunickis@osec.usda.gov)

**From:** [Samantha McDonald](#)  
**To:** [Sellars, Roslyn](#)  
**Cc:** [Irwin, Thomas](#); [Sheehan, Gregory](#)  
**Subject:** [EXTERNAL] Re: Adjusting the time of the 4/26 IPAA meeting with Greg Sheehan  
**Date:** Friday, April 13, 2018 3:06:13 PM

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Yes! That's great. Thank you.

Sent from my iPhone

On Apr 13, 2018, at 3:37 PM, Sellars, Roslyn <[roslyn\\_sellars@fws.gov](mailto:roslyn_sellars@fws.gov)> wrote:

Ms. McDonald

We need to move the April 26 meeting from 3:30pm to 3pm. Would your group be able to accommodate this schedule change?

Roslyn Sellars

Executive Assistant | Office of the Director | U.S. Fish and Wildlife Service  
1849 C Street NW | Room 3356 | Washington, DC | (202) 208-4545 | [roslyn\\_sellars@fws.gov](mailto:roslyn_sellars@fws.gov)  
Please copy Thomas Irwin ([thomas\\_irwin@fws.gov](mailto:thomas_irwin@fws.gov)) on future emails related to scheduling.

On Mon, Mar 26, 2018 at 9:25 AM, Irwin, Thomas <[thomas\\_irwin@fws.gov](mailto:thomas_irwin@fws.gov)> wrote:

Thanks and your meeting has been confirmed.

Thomas



[thomas\\_irwin@fws.gov](mailto:thomas_irwin@fws.gov) - (202) 208-4545

FWS Office of the Director - 1849 C Street NW - Room 3356 - Washington, DC 20240

On Mon, Mar 26, 2018 at 9:05 AM, Samantha McDonald <[SMcDonald@ipaa.org](mailto:SMcDonald@ipaa.org)> wrote:

Perfect! Yes—that we'll work, but we'll plan to use only 30 minutes, I imagine many will have to get to the airport and I promised we'd finish our meetings by 4PM.

Thank you. I look forward to our meeting.

**From:** Sheehan, Gregory [mailto:[greg\\_j\\_sheehan@fws.gov](mailto:greg_j_sheehan@fws.gov)]  
**Sent:** Monday, March 26, 2018 9:03 AM  
**To:** Samantha McDonald <[SMcDonald@ipaa.org](mailto:SMcDonald@ipaa.org)>

**Cc:** Roslyn Sellars <[roslyn\\_sellars@fws.gov](mailto:roslyn_sellars@fws.gov)>; Thomas Irwin <[thomas\\_irwin@fws.gov](mailto:thomas_irwin@fws.gov)>

**Subject:** Re: Meeting Request for 4/26

Hi Samantha,

I believe that I could meet at 3:30 pm that day for 45 minutes. I don't believe that I would have any other time blocks on that day. Let me know if that works. I have CC'd my assistance for confirmation on your reply.

Thank you,

Greg

On Thu, Mar 22, 2018 at 11:03 AM, Samantha McDonald <[SMcDonald@ipaa.org](mailto:SMcDonald@ipaa.org)> wrote:

Greg,

As you may know, IPAA has an active wildlife task force. Several of my experts will be in town on Thursday, April 26<sup>th</sup>. Would you be available to meet with us sometime that day? The attendees currently include the following individuals, though I expect some will drop off as the day gets closer:

**Attendees:**

Suzi Holland, Chevron

Brian Woodard or Cassi Moore, Chesapeake

Nick Owens Anadarko

Greg Schrab, SM Energy

Wendy Kirchoff, Noble Energy

Chris Jensen, BP

Spencer Kimball, EOG Resources

Tripp Parks, Western Energy Alliance (fellow allied trade)

Dan Naatz, IPAA

\*Samantha McDonald, IPAA

**Subjects:**

1. MBTA
2. Mitigation

**\*Scheduling Contact:** Sam McDonald [smcdonald@ipaa.org](mailto:smcdonald@ipaa.org) 202-857-4702

**Day of Contact:** Sam McDonald (cell) (b) (6)

Thanks in advance for the consideration of this request.

Best,

Sam

**Samantha McDonald**

Director of Government Relations

Independent Petroleum Association of America

(202)857-4722 / [Visit IPAA](#) / [Visit ESA Watch](#)

<image001.jpg>

Greg Sheehan

Principal Deputy Director

US Fish and Wildlife Service

1849 C Street NW, Room 3358

Washington, DC 20240

202-208-4545

**From:** [Samantha McDonald](#)  
**To:** [Sheehan, Gregory](#)  
**Cc:** [Roslyn Sellars](#); [Thomas Irwin](#)  
**Subject:** [EXTERNAL] RE: Meeting Request for 4/26  
**Date:** Monday, March 26, 2018 8:05:15 AM

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Perfect! Yes—that we'll work, but we'll plan to use only 30 minutes, I imagine many will have to get to the airport and I promised we'd finish our meetings by 4PM.

Thank you. I look forward to our meeting.

**From:** Sheehan, Gregory [mailto:[greg\\_j\\_sheehan@fws.gov](mailto:greg_j_sheehan@fws.gov)]  
**Sent:** Monday, March 26, 2018 9:03 AM  
**To:** Samantha McDonald <[SMcDonald@ipaa.org](mailto:SMcDonald@ipaa.org)>  
**Cc:** Roslyn Sellars <[roslyn\\_sellars@fws.gov](mailto:roslyn_sellars@fws.gov)>; Thomas Irwin <[thomas\\_irwin@fws.gov](mailto:thomas_irwin@fws.gov)>  
**Subject:** Re: Meeting Request for 4/26

Hi Samantha,

I believe that I could meet at 3:30 pm that day for 45 minutes. I don't believe that I would have any other time blocks on that day. Let me know if that works. I have CC'd my assistance for confirmation on your reply.

Thank you,  
Greg

On Thu, Mar 22, 2018 at 11:03 AM, Samantha McDonald <[SMcDonald@ipaa.org](mailto:SMcDonald@ipaa.org)> wrote:

Greg,

As you may know, IPAA has an active wildlife task force. Several of my experts will be in town on Thursday, April 26<sup>th</sup>. Would you be available to meet with us sometime that day? The attendees currently include the following individuals, though I expect some will drop off as the day gets closer:

**Attendees:**

Suzi Holland, Chevron  
Brian Woodard or Cassi Moore, Chesapeake  
Nick Owens Anadarko  
Greg Schrab, SM Energy  
Wendy Kirchoff, Noble Energy  
Chris Jensen, BP  
Spencer Kimball, EOG Resources  
Tripp Parks, Western Energy Alliance (fellow allied trade)  
Dan Naatz, IPAA  
\*Samantha McDonald, IPAA

**Subjects:**

1. MBTA
2. Mitigation

**\*Scheduling Contact:** Sam McDonald [smcdonald@ipaa.org](mailto:smcdonald@ipaa.org) 202-857-4702

**Day of Contact:** Sam McDonald (cell) (b) (6)

Thanks in advance for the consideration of this request.

Best,

Sam

**Samantha McDonald**

Director of Government Relations

Independent Petroleum Association of America

(202)857-4722 / [Visit IPAA](#) / [Visit ESA Watch](#)



--

Greg Sheehan  
Principal Deputy Director  
US Fish and Wildlife Service  
1849 C Street NW, Room 3358  
Washington, DC 20240  
202-208-4545

**From:** [Parker Moore](#)  
**To:** [gregory\\_sheehan@fws.gov](mailto:gregory_sheehan@fws.gov)  
**Cc:** [casey\\_hammond@ios.doi.gov](mailto:casey_hammond@ios.doi.gov); [Sellers Roslyn](#); [Thomas Irwin](#)  
**Subject:** [EXTERNAL] RE: Request for Follow-Up Meeting with RPBB Coalition  
**Date:** Friday, April 6, 2018 3:14:50 PM

---

Dear Acting Director Sheehan,

Thank you again for your time last July to meet with the members of the Rusty-Patched Bumble Bee Coalition to discuss possible options for addressing the regulated community's concerns with the RPBB endangered listing while simultaneously providing for the conservation of the species. The Coalition members (a number of national trade associations) have continued to collaborate on these issues since that time and are now hoping to meet with you again to discuss possible next steps.

Would it be possible to schedule a meeting with you in the next month or so for this purpose? At this time, I anticipate that representatives from CropLife America, National Cotton Council, National Rural Electric Cooperative Association, National Corn Growers Association, and American Petroleum Institute would participate with me in the meeting.

Please let me know if that would be possible and, if so, if there are any good dates/times for you in the next 3-5 weeks.

Thanks very much.

Sincerely,  
Parker Moore

**Parker Moore**  
*Principal*

**BEVERIDGE & DIAMOND, P.C.**

T +1.202.789.6028 F +1.202.789.6190 [PMoore@bdlaw.com](mailto:PMoore@bdlaw.com)

---

**From:** Parker Moore  
**Sent:** Friday, July 14, 2017 4:22 PM  
**To:** [gregory\\_sheehan@fws.gov](mailto:gregory_sheehan@fws.gov); [casey\\_hammond@ios.doi.gov](mailto:casey_hammond@ios.doi.gov)  
**Subject:** RPBB Follow-Up

Dear Greg and Casey,

Thank you for your time to discuss the RPBB listing decision and related guidance documents and your consideration of potential options for addressing our concerns while simultaneously providing for the conservation of the species. In follow-up to our discussion, below are several ideas for your consideration.

- **Listing Decision Analysis:** To address concerns that the RPBB listing decision was expedited without appropriate review so that a final rule could be issued before the 2017 Inauguration, initiate a thorough review of the listing decision/SSA report, the studies and data in the administrative record and all submitted comments; identify additional sources of studies and data relevant to the RPBB decision (including all State Departments of Agriculture and NRCS Cooperative Extensions within the species' range, and EPA) and expressly request such information from these sources; and fully evaluate all conservation measures that may benefit the RPBB (including RPBB-specific measures, measures designed to benefit other pollinator species, and measures intended to protect other species that also will benefit the RPBB (e.g., HCPs)).
- **Office Coordination:** Provide direction to Regional Offices and Field Offices on implementing the RPBB guidance documents to increase consistency and reliability for the regulated community.
- **Programmatic Consultation:** To ensure consistency in and streamline the Section 7 consultation process for the RPBB, perform a programmatic Section 7 consultation and develop a programmatic biological opinion for activities that occur outside of "high priority" RPBB zones. As described in the RPBB guidance documents, these areas include



the locations within the foraging range of all known extant RPBB populations (now or in the future). Accordingly, activities outside of “high priority” areas, individually and cumulatively, should not pose a risk of jeopardy to the species.

- **General Conservation Plan:** Develop a general conservation plan to make available Section 10 incidental take permits to parties conducting activities within RPBB “high priority” zones.
- **Safe Harbor Agreement:** To address concerns that the listing decision will undermine stakeholder support for ongoing RPBB conservation efforts and disincentivize future conservation efforts by the regulated community, develop an umbrella safe harbor agreement that is available to any party that undertakes conservation efforts to benefit the species.
- **Future Listing Decisions:** For all future listing decisions, consistent with existing law and before issuing a final rule, provide ample time to:

(1) ensure that the record reflects the best scientific and commercial information available;

(2) coordinate with all affected states and other sources of information within the subject species’ range and specifically request data and information bearing on the subject species from each source;

(3) fully evaluate and account for public comments; and

(4) develop and make available species survey protocols and Section 7 consultation guidance. These survey protocols and guidance documents should be developed and issued well before the final rule takes effect. Doing so will help ensure sufficient availability of authorized surveyors, provide direction to and increase consistency among the Service’s Regional and Field Offices for purposes of Section 7(a)(4) evaluations of proposed species that are conducted concurrently with Section 7 consultations, and provide a “trial period” for identifying problems with implementing the guidance and addressing questions from agency staff and the regulated community before the listing decision takes effect.

Please just let me know if you need any additional information or if it would be helpful to talk through any of these issues.

Thank you again, and we look forward to further discussions with you.

Sincerely,  
Parker

**Parker Moore**  
*Principal*

**BEVERIDGE & DIAMOND, P.C.**  
1350 I Street, NW, Suite 700, Washington, DC 20005  
**T** +1.202.789.6028 **F** +1.202.789.6190 [PMoore@bdlaw.com](mailto:PMoore@bdlaw.com)

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**From:** [Ryan Yates](#)  
**To:** [Rollins, Blake - OSEC, Washington, DC](#); [Wynn, Todd](#)  
**Cc:** [gregory\\_sheehan@fws.gov](#); [Brad.Karmen@wdc.usda.gov](#); [jamie.cloveradams@osec.usda.gov](#)  
**Subject:** [EXTERNAL] USDA FSA / DOI FWS Consultation Request Letter  
**Date:** Friday, April 27, 2018 8:54:12 AM  
**Attachments:** [USDA FSA Consultation Request\\_042718.pdf](#)

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Good morning –

Please see the attached request written on behalf of the American Farm Bureau Federation and members of the state Farm Bureaus of Arizona, California, Illinois, Indiana, Iowa, Kansas, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas. Collectively, we request that the USDA Farm Service Agency initiate a Section 7 conference with the U.S. Fish & Wildlife Service under the Endangered Species Act to analyze effects of conservation actions to benefit the monarch butterfly through the Conservation Reserve Program (CRP).

Please share the attached letter to the appropriate officials and staff at USDA and DOI. If you have any questions, please do not hesitate to contact me.

Thank you for your attention to this request.

---

**RYAN R. YATES** | *Director of Congressional Relations*  
American Farm Bureau Federation®

600 Maryland Ave, SW Suite 1000W | Washington, DC 20024  
Office 202.406.3664 | Mobile 202.641.1416

April 27, 2018

The Honorable Sonny Perdue  
Secretary  
U.S. Department of Agriculture  
1400 Independence Ave., S.W.  
Washington, DC 20250

The Honorable Ryan Zinke  
Secretary  
U.S. Department of Interior  
1849 C Street, N.W.  
Washington DC 20240

Dear Secretary Perdue and Secretary Zinke:

This correspondence is written on behalf of the American Farm Bureau Federation (AFBF) and the 2,335,513 members of the state Farm Bureaus of Arizona, California, Illinois, Indiana, Iowa, Kansas, Nebraska, New Mexico, Oklahoma, Tennessee, and Texas to request that the USDA Farm Service Agency (FSA) initiate a Section 7 conference with the U.S. Fish & Wildlife Service (USFWS) under the Endangered Species Act to analyze effects of conservation actions to benefit the monarch butterfly through the Conservation Reserve Program (CRP).

In 1919, farmers and ranchers formed AFBF so they could work together, speak in a unified voice and, as a group, achieve what others individually could not. It is with that same goal in mind that we join today to ask the Farm Service Agency to engage in a conference report for CRP to help our members increase their confidence in the long-term conservation activities that they pursue in support of the monarch butterfly. The conference report outcome of the Natural Resources Conservation Service and the Fish and Wildlife Service was generally well-received by our organizations.

Farmers and ranchers across the Midwest and the country have engaged in monumental conservation efforts to protect pollinators in recent years. That includes an influx of acres enrolled in the Conservation Reserve Program in Pollinator Habitat (CP42), SAFE Acres (CP38), and Rare and Declining Habitat (CP25), that can all provide significant benefits to pollinators. 3.2 million acres were converted to create habitat and mitigate risks to all pollinators, including monarchs, and those acres offer beneficial places for monarchs and their caterpillars throughout all of the stages of their life and migration.

As you know, the monarch is currently under review for listing by the US Fish & Wildlife Service under the Endangered Species Act (ESA). Reducing ESA regulatory uncertainty will increase voluntary, private landowner adoption of monarch conservation practices to support recovery of the species.

We request that the FSA utilize the conference procedures available within ESA's Section 7 consultation authorities to evaluate conservation actions for the monarch butterfly through the CRP. The scientific literature indicates that new CRP land, and a significant amount of existing CRP land, can be managed with appropriate practices to significantly increase the amount of monarch habitat in the United States.

Preparation of a Conference Report would provide regulatory predictability under the ESA to those landowners who elect to establish monarch habitat through the CRP should the butterfly be listed in the future. We note that a Conference Report on implementation of monarch conservation practices through programs administered by the USDA's Natural Resources Conservation Service (NRCS) was completed in December 2016. Moreover, as FSA and NRCS are now within the same mission area, coordination among FSA, NRCS and USFWS in development of the requested Conference Report would enhance administrative consistency across USDA private lands conservation programs.

We believe that voluntary conservation through public and private programs can, if adequately resourced, support recovery of monarch populations while precluding a listing under ESA. Ensuring long term ESA predictability within the CRP can result in a significant increase in voluntary conservation efforts that is critical to support recovery of the species.

We look forward to your positive response and a FSA request to USFWS to initiate the section 7 conference process for the monarch butterfly. If you have any questions or require additional information concerning our conservation efforts please do not hesitate to contact Ryan Yates at AFBF ([ryany@fb.org](mailto:ryany@fb.org) or 202-406-3664).

Sincerely,

American Farm Bureau Federation  
Arizona Farm Bureau Federation  
California Farm Bureau Federation  
Illinois Farm Bureau  
Indiana Farm Bureau  
Iowa Farm Bureau Federation

Kansas Farm Bureau  
Nebraska Farm Bureau  
New Mexico Farm and Livestock Bureau  
Oklahoma Farm Bureau  
Tennessee Farm Bureau Federation  
Texas Farm Bureau

cc:  
Bill Northey  
Under Secretary  
Farm and Foreign Agricultural Services  
U.S. Department of Agriculture

Brad Karmen  
Acting Deputy Administrator  
Farm Programs  
Farm Service Agency  
U.S. Department of Agriculture

Greg Sheehan  
Principal Deputy Director  
U.S. Fish and Wildlife Service  
U.S. Department of Interior

**From:** [Ryan Yates](#)  
**To:** [gregory\\_sheehan@fws.gov](mailto:gregory_sheehan@fws.gov)  
**Subject:** Accepted: Invitation: FWS/Nat'I Endangered Species act Reform Coalition (ESARC)... @ Mon Jul 17, 2017 1pm - 1:30pm (EDT) (ryany@fb.org)

---

**From:** [Ryan Yates](#)  
**To:** [gregory\\_sheehan@fws.gov](mailto:gregory_sheehan@fws.gov)  
**Subject:** Accepted: Updated Invitation: FWS/Nat'l Endangered Species act Reform Coalition (ESARC)... @ Mon Jul 17, 2017 1pm - 2pm (EDT) (ryany@fb.org)

---

**From:** [Samantha McDonald](#)  
**To:** [gregory\\_sheehan@fws.gov](mailto:gregory_sheehan@fws.gov)  
**Cc:** [Dan Naatz](#); [casey\\_hammond@ios.doi.gov](mailto:casey_hammond@ios.doi.gov)  
**Subject:** American Burying Beetle  
**Date:** Tuesday, August 1, 2017 1:46:18 PM  
**Attachments:** [8.1.17.ABB.Sheehan Letter.SM.pdf](#)

---

Greg,

Thanks for looking into the Texas Hornshell issue for us. Our members are very concerned about the listing implications of this species.

On another species of concern, attached you will find a letter on our legal efforts to delist the **American Burying Beetle**, which has significant impacts on our Oklahoma producers. As a courtesy, we wanted to share our intentions to challenge and the steps that necessitate a challenge.

Sam

**Samantha McDonald**  
Director of Government Relations  
Independent Petroleum Association of America  
(202)857-4722 / [Visit IPAA](#) / [Visit ESA Watch](#)







August 1, 2017

Gregory Sheehan  
Acting Director  
U.S. Fish and Wildlife Service  
U.S. Department of Interior  
1849 C Street NW, Room 3358  
Washington, D.C. 20240

Dear Mr. Sheehan,

I appreciate your efforts to address Endangered Species Act issues being brought to your attention. I am writing today regarding the American Burying Beetle (ABB) in an effort to get your help with it as well. Prior to your appointment at the U.S. Fish and Wildlife Service (Service), on February 22, 2017, IPAA filed a noticed of intent to sue the Service for failure to issue a 12-month finding on our petition to delist the federally endangered ABB. To date, the Service has not met this statutory deadline. IPAA now needs to formally submit our complaint and we wanted to inform you as a courtesy and provide some background information to you before we filed.

The ABB is the largest of the carrion beetles found in North America and was listed by the Service in 1989. At the time of the original listing, USFWS was unable to identify any actual threats to populations of the ABB and more recent analyses of threats are based largely on speculation and assumption rather than actual evidence. More recently, population and habitat viability modeling conducted by USFWS indicates that all naturally occurring wild populations of the ABB are of sufficient size to be demographically viable for the foreseeable future. This was the reason that on August 8, 2015, IPAA, along with the American Stewards of Liberty, and the Texas Policy Foundation filed a petition to delist the species. On March 16, 2016, the Service published a positive 90-day finding in the Federal Register based on its determination that the petitioned-for action may be warranted and initiated a status review. The Service's status review, which was due on August 8, 2016, is presumably ongoing. Correspondence from the Service received on April 24, 2017, indicated that the review of the Species Status Assessment (SSA) is underway. We further understand that a draft SSA is currently being reviewed and is heavily predicated on the presumed negative impacts of climate change.

Many land development, agriculture, transportation and utility operations have been delayed or restricted due the presence of the ABB at a cost of many millions of dollars, including \$1.3. million that the Oklahoma Department of Transportation alone spent on conservation actions during a six-year period. Furthermore, economic threats to the affected communities continue to cost private landowners, businesses, and local governments many millions.

Thank you for your interest and engagement on this subject and please let us know if we can provide further information.

Sincerely,

Dan Naatz, *Senior Vice President* of Government Relations and Political Affairs

**From:** [Parker Moore](#)  
**To:** [Sheehan, Gregory](#)  
**Subject:** Automatic reply: [EXTERNAL] Agenda Topics for June 11 Meeting with RPBB Coalition  
**Date:** Tuesday, June 5, 2018 9:12:46 PM

---

I am out of the office on international work travel through Thursday, June 7. My response may be delayed slightly, but I will respond to your message at my earliest opportunity. If you need to speak with someone immediately, please contact the Beveridge & Diamond receptionist at (202) 789-6000.

Parker

**From:** [Parker Moore](#)  
**To:** [Sheehan, Gregory](#)  
**Subject:** Automatic reply: Updated Invitation: Meeting (Casey and Parker Moore) on ESA listing of the rusty-patched bumble bee (Parker Moore)  
**Date:** Wednesday, July 12, 2017 7:18:04 AM

---

Thanks for your message. I am out of the office on work travel through Thursday, July 13. My response may be delayed, but I will respond to your message at my earliest opportunity. If you need to speak with someone immediately, please contact the Beveridge & Diamond receptionist at (202) 789-6000.

Parker

**From:** [Samantha McDonald](#)  
**To:** [gregory\\_sheehan@fws.gov](mailto:gregory_sheehan@fws.gov)  
**Cc:** [Diemer True](#)  
**Subject:** Captive Raising of Sage Grouse  
**Date:** Friday, July 14, 2017 10:17:44 AM

---

Mr. Sheehan,

Great seeing you earlier this week. I wanted to touch base with you in your capacity on the sage grouse review team. One of my members, Diemer True (based in Wyoming) is actively involved with the captive raising of sage grouse and he would like to see a reference to the merits of the program in the final report. Would you have some time to speak with Diemer (cc'd)? He may even come to D.C. for the meeting if you feel that is best or maybe you two could coordinate the next time you are out west.

Thanks in advance for your consideration of this request!

Best,

Sam

**Samantha McDonald**  
Director of Government Relations  
Independent Petroleum Association of America  
(202)857-4722 / [Visit IPAA](#) / [Visit ESA Watch](#)



**From:** [Ryan Yates](#)  
**To:** [MoritzW@michigan.gov](#); [ed.boggess@state.mn.us](#); [Claire.Beck@dnr.state.oh.us](#)  
**Cc:** [Aurelia.Skipwith](#); [dave\\_walker@fws.gov](#); [gregory\\_sheehan@fws.gov](#)  
**Subject:** Farm Bureau MAFWA letter  
**Date:** Monday, October 23, 2017 9:16:11 AM  
**Attachments:** [AFBF and State FB letter to MAFWA FINAL.pdf](#)

---

Good Morning -

Please see the attached letter written on behalf of the American Farm Bureau Federation and the state Farm Bureaus of Illinois, Indiana, Iowa, Kansas, Michigan, Nebraska, Oklahoma, and Texas outlining concerns regarding the Midwest Association of Fish and Wildlife Agencies (MAFWA) effort to develop the Mid-America Monarch Conservation Strategy (Strategy).

I look forward to working with you to rectify these important concerns. Thank you.

---

**RYAN R. YATES** | *Director of Congressional Relations*  
American Farm Bureau Federation ®  
600 Maryland Ave, SW Suite 1000W | Washington, DC 20024  
Office [202.406.3664](tel:202.406.3664) | Mobile [202.641.1416](tel:202.641.1416)

October 23, 2017

Midwest Association of Fish and Wildlife Agencies  
Mid-America Monarch Conservation Strategy

Bill Moritz  
Chairman, MAFWA Monarch Strategy,  
and to the Board of Directors

Email letter to: [MoritzW@michigan.gov](mailto:MoritzW@michigan.gov)

Cc: Ed Boggess ([ed.boggess@state.mn.us](mailto:ed.boggess@state.mn.us)), Claire Beck ([Claire.Beck@dnr.state.oh.us](mailto:Claire.Beck@dnr.state.oh.us))

Re: Farm Bureau Concerns regarding the MAFWA Effort to Develop the Mid-America  
Monarch Conservation Strategy

Dear MAFWA Board of Directors, Claire Beck, and Ed Boggess,

This correspondence is written on behalf of the American Farm Bureau Federation (AFBF) and the 1,803,153 members of the state Farm Bureaus of Illinois, Indiana, Iowa, Kansas, Michigan, Nebraska, Oklahoma, and Texas to express our collective concerns regarding the Midwest Association of Fish and Wildlife Agencies (MAFWA) effort to develop the Mid-America Monarch Conservation Strategy (Strategy).

In 1919, farmers and ranchers formed AFBF so they could work together, speak in a unified voice and, as a group, achieve what others alone could not. It is with that same goal in mind, that we all join today to communicate to you on the important issue of the monarch butterfly.

Farm Bureau has considerable experience working with the Endangered Species Act (ESA). The potential listing of the monarch butterfly, with its expansive range across our states, has created a unique set of challenges than other species affected by the ESA.

We support robust, state-directed, voluntary and collaborative conservation plans for species as the most effective way to prevent a listing under the ESA. However, we must express our concerns with the process that MAFWA is following to develop the Mid-America Monarch Conservation Strategy (Strategy) and the Strategy as it stands currently. We cannot support this planning effort, which has excluded farmers, ranchers and private landowners. Without improvements to involve farmers and ranchers at all levels of this effort, it may become necessary to withdraw from participation.

**MAFWA'S TRANSPARENCY REVEALS A LACK OF COOPERATION WITH  
FARMERS AND OWNERS OF PRIVATE LANDS**

MAFWA has not engaged in any meaningful way with farmers, ranchers and private landowners that will be key to the strategy's success. This is despite the fact that the Strategy contains an agricultural chapter focused on lands managed by farmers. There needs to be better

communication between state MAFWA representatives and their constituent farmer organizations, including state Farm Bureaus. Additionally, participation from state departments of agriculture or the National Association of State Departments of Agriculture would provide valuable technical expertise to the effort.

Questions remain as to how the various committees will interact, who ultimately will make the call about language in the Strategy and how minority opinions and views will be incorporated. There is no available documentation of the process and decision-making currently available, so it is extremely difficult to understand how agricultural representatives and private land owners can fit into this existing structure and participate. How these regional decisions and goals impact state plans is also not understood.

Multiple working groups were formed for the Strategy without clear goals, objectives or a review process in place. The agriculture and private lands working group includes only two representatives from farm organizations, but 18 representatives of conservation groups and federal or state agencies, **many of which are also involved at higher levels of this effort, where agriculture is not**. When we raised concerns about transparency and representation, MAFWA responded with a list of committees and work groups that confirms our concerns.

We understand that time is of the essence to meet the U.S. Fish & Wildlife Service deadlines, but the first step in this process must be to clearly communicate science-based data, habitat goals, and current methodology for determining goals. We are concerned that we are participating in the development of a regional conservation plan and that goals will be determined without agricultural stakeholder input.

Another concern is that agricultural groups will be used in name only - that our organizations' names will be used in a strategy in which agriculture has had very little opportunity for input. Agriculture needs a strategy that is accurate and realistic about its potential contributions.

### **THE FARMER PERSPECTIVE IS IMPORTANT**

The goals for the Strategy and any state conservation plans implemented on private lands must be to preclude the listing of the monarch butterfly under the ESA. Private property rights must be respected. Our state laws recognize this right, and federal and state agencies must also. This should be complimented by the state and federal agencies setting the example for good species stewardship on lands they own and manage.

Any best management practices included in conservation plans should be backed by scientific research conducted on working lands. The plans should work alongside farmers, ranchers and private landowners in the states by offering voluntary, incentive-based approaches to conservation. Finally, another goal of a regional strategy should be to reward those working towards conservation with assurances that their good faith effort will not result in penalties or changing expectations in the future.

We have some major concerns about MAFWA's use of the Thogmartin paper for the Strategy. The policy assertions and recommendations for farms and private lands in what should be a scientific paper demonstrate a complete lack of knowledge about agricultural production, economics and Farm Bill programs. Irrespective of the uncertainties in the paper's underlying science assumptions (e.g., such as the limited number of observed monarch eggs per milkweed stem and resulting ratio for ag/non-ag sites in *Milkweed loss in agricultural fields because of herbicide use: effect on the monarch butterfly population, Pleasants and Oberhauser, 2013*), the authors' misinformed policy opinions in the paper lead to significant doubt about the science conclusions. It casts doubt on the strategy development process. These policy opinions are contrary to our members' policy and have "poisoned the well" and stand in the way of farmers developing a collaborative relationship with state and federal agencies working in good faith to develop a realistic strategy.

We represent our 1,803,153 members, who, if given a meaningful role in development of a strategy, will provide invaluable contributions to your effort now and well into the future. Important changes take time and real progress happens incrementally. If the farming community is allowed to participate in a legitimate process with clearly defined goals and has the opportunity to review the plan throughout the development and implementation process, we can engage our members. Specifically, we can focus on outreach and education, make investments and build programs, all of which can result in real change on the Midwest landscape to benefit the monarch.

### **OUR REQUEST**

Given farmers and ranchers' important role in conservation across our region, we continue to ask for legitimate inclusion of the farming community in all levels of a regional strategy, as MAFWA has done with other conservation and environmental groups. We ask for meaningful representation and equitable respect on work groups that are developing the plan that includes representatives from farmer organizations, commodity groups, agribusiness, and agricultural researchers. We seek acknowledgement that the regional plan will not conflict with state plans under development or impose goals or activities that are in conflict with our organizational policy.

We understand the short timeline MAFWA is working under, and we understand that many details will be included and written into individual state plans rather than your Strategy. However, the current MAFWA effort is incomplete, and we cannot support it as it stands now.

We look forward to a response regarding our concerns and a dialogue about improvements to address them.

Sincerely,



American Farm Bureau Federation  
Illinois Farm Bureau  
Iowa Farm Bureau  
Indiana Farm Bureau  
Kansas Farm Bureau  
Michigan Farm Bureau  
Nebraska Farm Bureau  
Oklahoma Farm Bureau  
Texas Farm Bureau

CC:

Greg Sheehan, USFWS  
Michael Gale, Special Assistant, USFWS  
Dave Walker, USFWS  
Tom Melius, USFWS  
Aurelia Skipwith, DOI

**From:** [Lemen, Janelle](#)  
**To:** ["Gregory Sheehan \(gregory\\_sheehan@fws.gov\)"](mailto:Gregory.Sheehan@fws.gov)  
**Subject:** FWS Update Request - During October 11-12 NREEA Meeting at NRECA HQ in Arlington  
**Date:** Wednesday, August 9, 2017 7:33:35 AM

---

Hi Greg,

Hope you are well. It was nice meeting you last month and thank you again for your time to discuss the rusty patched bumble bee listing decision and related guidance documents.

We are hosting a meeting of the National Rural Electric Environmental Association (NREEA), a group of NRECA member environmental professionals from rural electric cooperatives across the US. Our members have expressed high interest in having you present a FWS update.

In years past, we have had Gary Frazier and Jerome Ford present on ESA and avian issues. During this meeting, however, we are hoping to hear from one, more sr. level speaker, you, on a higher level across ESA and avian topics. NREEA members are interested in hearing about FWS top priorities and what opportunities there are for continued engagement between FWS and NRECA members.

The meeting will be October 11-12 in Arlington at NRECA headquarters. The meeting will start on Wednesday, the 11<sup>th</sup>, at 8am to 5pm and startup again on Thursday, the 12, but will end at noon. Presentation slots will be 45 minutes, with the intent of about a 30 minute update with leaving the rest of the time for open for questions. Currently, there is flexibility on assigning time slots to speakers, if there would be a better time for you than others.

Please let me know if you are available or if you have any questions.

Thanks in advance for your consideration.

Janelle

**Janelle Lemen**

Sr. Principal ESA Avian & Land Mgmt

National Rural Electric Cooperative Association

4301 Wilson Blvd., Arlington, VA 22203

p: 703.907.5790 | m: 571.565.6378

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**From:** [Samantha McDonald](#)  
**To:** [Sheehan, Gregory](#)  
**Subject:** RE: [EXTERNAL] Dunes Sagebrush Lizard  
**Date:** Friday, June 8, 2018 1:05:26 PM

---

Thanks! I just checked in again and the TX Comptroller's office said they heard June 1 it was complete, but a Congressional Office checked in with FWS in NM and they said it hasn't yet been deemed complete. Appreciate you setting me straight.

**From:** Sheehan, Gregory <greg\_j\_sheehan@fws.gov>  
**Sent:** Tuesday, June 5, 2018 9:53 PM  
**To:** Samantha McDonald <SMcDonald@ipaa.org>  
**Subject:** Re: [EXTERNAL] Dunes Sagebrush Lizard

Hi Sam

I do not know but will follow up.

Thanks  
Greg

On Tue, Jun 5, 2018 at 3:18 PM, Samantha McDonald <[SMcDonald@ipaa.org](mailto:SMcDonald@ipaa.org)> wrote:

Mr. Sheehan,

As you know, the petition to list the dunes sagebrush lizard was submitted on May 8, 2018. A few of my members heard that the petition wasn't yet considered complete by the Service because the groups petitioning did not abide by the 2016 guidelines. Do you know if the petition has since been deemed complete and submitted?

Thanks in advance for the help. This is a species my members have been working to conserve for a long time and are certainly tracking.

Best,

Sam

Sam McDonald  
Director of Government Relations

Independent Petroleum Association of America  
[1201 15th St., NW, Ste. 300](#)  
[Washington, DC 20005](#)  
[www.esawatch.org](http://www.esawatch.org) / [www.ipaa.org](http://www.ipaa.org)

Phone 202.857.4722 | Email [smcdonald@ipaa.org](mailto:smcdonald@ipaa.org)

--

Greg Sheehan  
Principal Deputy Director  
US Fish and Wildlife Service  
1849 C Street NW, Room 3358  
Washington, DC 20240  
202-208-4545

**From:** [Ryan Yates](#)  
**To:** [Greg Sheehan](#)  
**Subject:** RE: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch Conservation Strategy  
**Date:** Monday, June 11, 2018 7:21:20 AM

---

Hi Greg –

Our meeting with the Secretary was moved to 10:00 this morning. I'd imagine we would be done by 10:30 or 10:45. Could I swing by then since I'll be in the building?

Ryan

---

**From:** Greg Sheehan [[mailto:greg\\_j\\_sheehan@fws.gov](mailto:greg_j_sheehan@fws.gov)]  
**Sent:** Monday, June 11, 2018 8:12 AM  
**To:** Ryan Yates <[ryany@fb.org](mailto:ryany@fb.org)>  
**Subject:** Re: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch Conservation Strategy

Hi Ryan,

Can I call you at about 10:30 am today to go over any shared items.

Thanks

Greg

Greg Sheehan  
Principal Deputy Director  
US Fish and Wildlife Service  
202-208-4545 office  
202-676-7675 cell

On Jun 6, 2018, at 7:45 AM, Ryan Yates <[ryany@fb.org](mailto:ryany@fb.org)> wrote:

Greg –

It would be good to catch up on a number of wildlife and ESA matters. Do you happen to have any time Monday afternoon? I have a meeting with the Secretary at 3:00, so I'll be in the building if you are available.

Thanks.

Ryan

**From:** Sheehan, Gregory [[mailto:greg\\_j\\_sheehan@fws.gov](mailto:greg_j_sheehan@fws.gov)]  
**Sent:** Tuesday, June 5, 2018 10:10 PM  
**To:** Ryan Yates <[ryany@fb.org](mailto:ryany@fb.org)>  
**Subject:** Re: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch

Conservation Strategy

Thanks Ryan

Thank you for sharing. Let me know if you want to discuss sometime.

Thanks

Greg

On Mon, Jun 4, 2018 at 4:27 PM, Ryan Yates <[ryany@fb.org](mailto:ryany@fb.org)> wrote:

All –

Please see the attached comments regarding the proposed Mid-America Monarch Conservation Strategy submitted on behalf of the American Farm Bureau Federation (AFBF) and the 1,561,029 members of the state Farm Bureaus of Arizona, Illinois, Indiana, Iowa, Kentucky, Maryland, Missouri and Oklahoma.

Thank you.

---

**RYAN R. YATES** | *Director of Congressional Relations*  
American Farm Bureau Federation®

600 Maryland Ave, SW Suite 1000W | Washington, DC 20024  
Office 202.406.3664 | Mobile 202.641.1416

--

Greg Sheehan  
Principal Deputy Director  
US Fish and Wildlife Service  
1849 C Street NW, Room 3358  
Washington, DC 20240  
202-208-4545

**From:** [Ryan Yates](#)  
**To:** [Greg Sheehan](#)  
**Subject:** RE: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch Conservation Strategy  
**Date:** Monday, June 11, 2018 10:16:46 AM

---

Hi Greg –

The meeting with the Secretary went well – just getting back to the office. I’ve free for about 15 minutes, then I’ll be tied up through 1:30. The available from 1:30 to 3:00.

Ryan

---

**RYAN R. YATES** | *Director of Congressional Relations*  
American Farm Bureau Federation®

600 Maryland Ave, SW Suite 1000W | Washington, DC 20024  
Office 202.406.3664 | Mobile 202.641.1416

---

**From:** Greg Sheehan [mailto:[greg\\_j\\_sheehan@fws.gov](mailto:greg_j_sheehan@fws.gov)]  
**Sent:** Monday, June 11, 2018 9:01 AM  
**To:** Ryan Yates <[ryany@fb.org](mailto:ryany@fb.org)>  
**Subject:** Re: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch Conservation Strategy

Hi Ryan.

I’m out in Shepardstown WV and will return by noon. Was hoping to call you while en route back later this morning.

Any particular questions you need answered before your meeting?

Thanks

Greg

Greg Sheehan  
Principal Deputy Director  
US Fish and Wildlife Service  
202-208-4545 office  
202-676-7675 cell

On Jun 11, 2018, at 8:21 AM, Ryan Yates <[ryany@fb.org](mailto:ryany@fb.org)> wrote:

Hi Greg –

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Ryan

---

**From:** Greg Sheehan [[mailto:greg\\_j\\_sheehan@fws.gov](mailto:greg_j_sheehan@fws.gov)]  
**Sent:** Monday, June 11, 2018 8:12 AM  
**To:** Ryan Yates <[ryany@fb.org](mailto:ryany@fb.org)>  
**Subject:** Re: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch Conservation Strategy

Hi Ryan,

Can I call you at about 10:30 am today to go over any shared items.

Thanks  
Greg

Greg Sheehan  
Principal Deputy Director  
US Fish and Wildlife Service  
202-208-4545 office  
202-676-7675 cell

On Jun 6, 2018, at 7:45 AM, Ryan Yates <[ryany@fb.org](mailto:ryany@fb.org)> wrote:

Greg –

It would be good to catch up on a number of wildlife and ESA matters. Do you happen to have any time Monday afternoon? I have a meeting with the Secretary at 3:00, so I'll be in the building if you are available.

Thanks.

Ryan

**From:** Sheehan, Gregory [[mailto:greg\\_j\\_sheehan@fws.gov](mailto:greg_j_sheehan@fws.gov)]  
**Sent:** Tuesday, June 5, 2018 10:10 PM  
**To:** Ryan Yates <[ryany@fb.org](mailto:ryany@fb.org)>  
**Subject:** Re: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch Conservation Strategy

Thanks Ryan

Thank you for sharing. Let me know if you want to discuss sometime.

Thanks  
Greg

On Mon, Jun 4, 2018 at 4:27 PM, Ryan Yates <[ryany@fb.org](mailto:ryany@fb.org)> wrote:

All –

Please see the attached comments regarding the proposed Mid-America Monarch Conservation Strategy submitted on behalf of the American Farm Bureau Federation (AFBF) and the 1,561,029 members of the state Farm Bureaus of Arizona, Illinois, Indiana, Iowa, Kentucky, Maryland, Missouri and Oklahoma.

Thank you.

---

**RYAN R. YATES** | *Director of Congressional Relations*  
American Farm Bureau Federation®

600 Maryland Ave, SW Suite 1000W | Washington, DC 20024  
Office 202.406.3664 | Mobile 202.641.1416

--

Greg Sheehan  
Principal Deputy Director  
US Fish and Wildlife Service  
1849 C Street NW, Room 3358  
Washington, DC 20240  
202-208-4545

**From:** [Ryan Yates](#)  
**To:** [Greg Sheehan](#)  
**Subject:** Re: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch Conservation Strategy  
**Date:** Monday, June 18, 2018 10:20:12 AM

---

Greg -

I wanted to follow up and check on your availability vto meet the week of July 9th. I'd specifically like to discuss the issue of monarch butterfly. Our Midwest State farm bureaus are working with Jim Lynch on monarchs and have an interest in discussing options for pre listing conservation agreements with the FWS.

Please let me know if you have a day that would work with your schedule that week.

Thanks.

Ryan

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---

**From:** Ryan Yates  
**Sent:** Monday, June 11, 2018 9:16:36 AM  
**To:** Greg Sheehan  
**Subject:** RE: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch Conservation Strategy

Hi Greg –

The meeting with the Secretary went well – just getting back to the office. I've free for about 15 minutes, then I'll be tied up through 1:30. The available from 1:30 to 3:00.

Ryan

---

**RYAN R. YATES** | *Director of Congressional Relations*  
American Farm Bureau Federation ®

600 Maryland Ave, SW Suite 1000W | Washington, DC 20024  
Office 202.406.3664 | Mobile 202.641.1416

---

**From:** Greg Sheehan [mailto:[greg\\_j\\_sheehan@fws.gov](mailto:greg_j_sheehan@fws.gov)]  
**Sent:** Monday, June 11, 2018 9:01 AM  
**To:** Ryan Yates <[ryany@fb.org](mailto:ryany@fb.org)>  
**Subject:** Re: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch Conservation Strategy

Hi Ryan.

I'm out in Shepardstown WV and will return by noon. Was hoping to call you while en route back later this morning.

Any particular questions you need answered before your meeting?

Thanks

Greg

Greg Sheehan  
Principal Deputy Director  
US Fish and Wildlife Service  
202-208-4545 office  
202-676-7675 cell

On Jun 11, 2018, at 8:21 AM, Ryan Yates <[ryany@fb.org](mailto:ryany@fb.org)> wrote:

Hi Greg –

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Ryan

---

**From:** Greg Sheehan [[mailto:greg\\_j\\_sheehan@fws.gov](mailto:greg_j_sheehan@fws.gov)]

**Sent:** Monday, June 11, 2018 8:12 AM

**To:** Ryan Yates <[ryany@fb.org](mailto:ryany@fb.org)>

**Subject:** Re: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch Conservation Strategy

Hi Ryan,

Can I call you at about 10:30 am today to go over any shared items.

Thanks

Greg

Greg Sheehan  
Principal Deputy Director  
US Fish and Wildlife Service  
202-208-4545 office  
202-676-7675 cell

On Jun 6, 2018, at 7:45 AM, Ryan Yates <[ryany@fb.org](mailto:ryany@fb.org)> wrote:

Greg –

It would be good to catch up on a number of wildlife and ESA matters. Do

you happen to have any time Monday afternoon? I have a meeting with the Secretary at 3:00, so I'll be in the building if you are available.

Thanks.

Ryan

**From:** Sheehan, Gregory [[mailto:greg\\_j\\_sheehan@fws.gov](mailto:greg_j_sheehan@fws.gov)]

**Sent:** Tuesday, June 5, 2018 10:10 PM

**To:** Ryan Yates <[ryany@fb.org](mailto:ryany@fb.org)>

**Subject:** Re: [EXTERNAL] Farm Bureau Comments on Mid-America Monarch Conservation Strategy

Thanks Ryan

Thank you for sharing. Let me know if you want to discuss sometime.

Thanks

Greg

On Mon, Jun 4, 2018 at 4:27 PM, Ryan Yates <[ryany@fb.org](mailto:ryany@fb.org)> wrote:

All –

Please see the attached comments regarding the proposed Mid-America Monarch Conservation Strategy submitted on behalf of the American Farm Bureau Federation (AFBF) and the 1,561,029 members of the state Farm Bureaus of Arizona, Illinois, Indiana, Iowa, Kentucky, Maryland, Missouri and Oklahoma.

Thank you.

---

**RYAN R. YATES** | *Director of Congressional Relations*  
American Farm Bureau Federation®

600 Maryland Ave, SW Suite 1000W | Washington, DC 20024  
Office 202.406.3664 | Mobile 202.641.1416

--

Greg Sheehan  
Principal Deputy Director  
US Fish and Wildlife Service

1849 C Street NW, Room 3358  
Washington, DC 20240  
202-208-4545

**From:** [Ryan Yates](#)  
**To:** [Boggess, Ed \(DNR\)](#); [Bill Moritz](#); [aurelia\\_skipwith@ios.doi.gov](#); [dave\\_walker@fws.gov](#); [gregory\\_sheehan@fws.gov](#); [tom\\_melius@fws.gov](#); [MoritzW@michigan.gov](#); [Claire.Beck@dnr.state.oh.us](#); [brian.klippenstein@osec.usda.gov](#)  
**Subject:** RE: Farm Bureau MAFWA letter  
**Date:** Friday, January 26, 2018 9:29:32 AM  
**Attachments:** [FB follow up to MAFWA 1 25 18.pdf](#)

---

All –

Please see the attached letter from Farm Bureau regarding withdrawal from participation in the MAFWA Mid-America Monarch Conservation Strategy. Following lengthy discussions, we have concerns about the Agriculture/Private Working Lands Technical Work Group and its recommendations concerning changes to farm program policy in the Farm Bill.

We thank you for your time and the offer of participation. We hope our organizations can continue to inform each other as we work to promote monarch conservation.

Please let me know if you have any questions. Thank you.

---

**RYAN R. YATES** | *Director of Congressional Relations*  
American Farm Bureau Federation ®

600 Maryland Ave, SW Suite 1000W | Washington, DC 20024  
Office 202.406.3664 | Mobile 202.641.1416

---

**From:** Boggess, Ed (DNR)  
**Sent:** Monday, October 30, 2017 4:27 PM  
**To:** 'Ryan Yates' <[ryany@fb.org](mailto:ryany@fb.org)>  
**Cc:** Aurelia Skipwith <[aurelia\\_skipwith@ios.doi.gov](mailto:aurelia_skipwith@ios.doi.gov)>; [dave\\_walker@fws.gov](mailto:dave_walker@fws.gov); [gregory\\_sheehan@fws.gov](mailto:gregory_sheehan@fws.gov); 'Melius, Tom' <[tom\\_melius@fws.gov](mailto:tom_melius@fws.gov)>; [MoritzW@michigan.gov](mailto:MoritzW@michigan.gov); [Claire.Beck@dnr.state.oh.us](mailto:Claire.Beck@dnr.state.oh.us)  
**Subject:** RE: Farm Bureau MAFWA letter

Mr. Yates,

Please see attached response to your letter of October 23, 2017, sent on behalf of the Mid-America Monarch Conservation Strategy Board of Directors and chair Bill Moritz.

Please share as appropriate and we look forward to your response.

---

Edward K. Boggess, CWB®  
MAFWA Monarch Conservation Liaison  
email: [ed.boggess@state.mn.us](mailto:ed.boggess@state.mn.us)  
phone: 651-308-6283

---

**From:** Ryan Yates [<mailto:ryany@fb.org>]  
**Sent:** Monday, October 23, 2017 9:16 AM  
**To:** [MoritzW@michigan.gov](mailto:MoritzW@michigan.gov); Boggess, Ed (DNR) <[ed.boggess@state.mn.us](mailto:ed.boggess@state.mn.us)>;  
[Claire.Beck@dnr.state.oh.us](mailto:Claire.Beck@dnr.state.oh.us)  
**Cc:** Aurelia Skipwith <[aurelia\\_skipwith@ios.doi.gov](mailto:aurelia_skipwith@ios.doi.gov)>; [dave\\_walker@fws.gov](mailto:dave_walker@fws.gov);  
[gregory\\_sheehan@fws.gov](mailto:gregory_sheehan@fws.gov)  
**Subject:** Farm Bureau MAFWA letter

Good Morning -

Please see the attached letter written on behalf of the American Farm Bureau Federation and the state Farm Bureaus of Illinois, Indiana, Iowa, Kansas, Michigan, Nebraska, Oklahoma, and Texas outlining concerns regarding the Midwest Association of Fish and Wildlife Agencies (MAFWA) effort to develop the Mid-America Monarch Conservation Strategy (Strategy).

I look forward to working with you to rectify these important concerns. Thank you.

---

**RYAN R. YATES** | *Director of Congressional Relations*  
American Farm Bureau Federation ®  
600 Maryland Ave, SW Suite 1000W | Washington, DC 20024  
Office [202.406.3664](tel:202.406.3664) | Mobile [202.641.1416](tel:202.641.1416)



January 25, 2018

Bill Moritz, Chairman  
Board of Directors  
Midwest Association of Fish and Wildlife Agencies  
Mid-America Monarch Conservation Strategy

Email letter to: [moritzw@michigan.gov](mailto:moritzw@michigan.gov)

Cc: Ed Boggess ([ed.boggess@state.mn.us](mailto:ed.boggess@state.mn.us)), Claire Beck ([Claire.Beck@dnr.state.oh.us](mailto:Claire.Beck@dnr.state.oh.us))

Re: Farm Bureau Participation in the MAFWA Effort to Develop the Mid-America Monarch Conservation Strategy

Dear MAFWA Board of Directors,

This correspondence is written on behalf of the American Farm Bureau Federation and the 1,590,058 members of the state Farm Bureaus of Illinois, Indiana, Iowa, Kansas, Nebraska, Oklahoma, and Texas in follow up to the December 15, 2017 conference call we had with Mr. Boggess and Mr. Moritz regarding the Midwest Association of Fish and Wildlife Agencies (MAFWA) effort to develop the Mid-America Monarch Conservation Strategy (Strategy).

To begin, we sincerely appreciate the time Mr. Boggess and Mr. Moritz spent with us on the conference call. As we understand it, 17 state fish and wildlife agency directors are working within MAFWA to “knit together individual state strategies” under a quick deadline set forth by a National Fish and Wildlife Foundation grant. We appreciate Mr. Boggess’s and Mr. Moritz’s comments regarding their acknowledgement that private land, mostly agricultural land in this region, is important for protecting the monarch butterfly. We also welcomed your statement that avoiding the Endangered Species Act (ESA) listing of the same is the goal of the MAFWA effort.

In addition to the Board of Directors, MAFWA has added “ex-officio members” to the Strategy effort, including the US Fish and Wildlife Service (FWS), the US Department of Agriculture-Natural Resources Conservation Service (NRCS), Pheasants Forever, National Wildlife Federation, and Monarch Joint Venture. MAFWA has extended an offer for an ex-officio member position to the Keystone Monarch Collaborative and also now to Farm Bureau. As we understand it, the ex-officio member positions do not come with voting rights.

In addition to the Board of Directors and Ex-officio member positions, the Strategy governance is also made up of additional committees and work groups. Representatives of Illinois Farm Bureau and Oklahoma Farm Bureau have served on the Agriculture/Private Working Lands Technical Work Group. Recently we were made aware that this Technical Work Group will be recommending Farm Bill program changes to the Association of Fish and Wildlife Agencies (AFWA) based on suggestions within the Agriculture chapter of the MAFWA effort. We have expressed verbally and through written comment some of our concerns about the recommendations proposed in the chapter thus far. While the Work Group contains biologists from USDA-NRCS, missing from the discussion are USDA program staff that would provide valuable insight into how Farm Bill programs actually work, what farmers must do to qualify and participate, and how potential changes might be implemented. We oppose the use of this chapter for making Farm Bill recommendations from the Work group or for recommending some of the

practices mentioned in the Thogmartin paper while the Work Group is still missing knowledgeable contributions from USDA staff and diverse farmer groups.

As you know, Farm Bureau prides ourselves on our grassroots policy development process that is led by our farmer members. Our policy provides a framework that guides staff in our interactions with agencies, organizations, and entities like yours. It also includes policy positions on things like conservation, environmental stewardship, and the monarch butterfly. One important policy guides how our organization engages in Farm Bill discussions. These recently updated and approved policies will serve as the foundation for our discussions in 2018 on the next Farm Bill – including components related to conservation and the other 11 titles of the Farm Bill. As such, we feel we must respectfully withdraw from the MAFWA Strategy efforts. We have a long history of carrying our farmers' messages into Farm Bill discussions and we feel working simultaneously within a different coalition will muddy the already complicated waters of Farm Bill debate.

We appreciate the monumental task you have undertaken, to articulate an overarching strategy for the region. As you know, many of our state Farm Bureau staff and farmer members are actively involved in the development of state monarch strategies. Those efforts take a lot of time and resources. We are also actively exploring ways to carry a more unified agricultural message into the pre-listing discussions with the US Fish & Wildlife Service.

Again, we thank you for your time and the offer of participation. We hope our organizations can continue to inform each other as we work for monarch conservation.

Sincerely,

American Farm Bureau Federation  
Illinois Farm Bureau  
Iowa Farm Bureau  
Indiana Farm Bureau  
Kansas Farm Bureau  
Nebraska Farm Bureau  
Oklahoma Farm Bureau  
Texas Farm Bureau

cc:

Greg Sheehan, USFWS  
Michael Gale, Special Assistant, USFWS  
Dave Walker, USFWS  
Tom Melius, USFWS  
Aurelia Skipwith, DOI  
Brian Klippenstein, USDA

**From:** [Samantha McDonald](#)  
**To:** [Sheehan, Gregory](#)  
**Subject:** RE: Meeting request  
**Date:** Monday, November 6, 2017 9:19:16 AM

---

Good morning, Greg.

I'm headed out on some work travel, but wanted to check-in to see if you may have ten minutes to spare next Thursday morning, Nov 16. In addition to Nick from Anadarko, another one of my biologists, Megan Maxwell with QEP will also be in attendance.

Thanks in advance!

Sam McDonald  
IPAA

---

**From:** Samantha McDonald  
**Sent:** Tuesday, October 31, 2017 10:49 AM  
**To:** 'Sheehan, Gregory' <greg\_j\_sheehan@fws.gov>  
**Subject:** Meeting request

Greg,

I hope this note finds you well. One of my wildlife experts, Nick Owens with Anadarko, will be in town in two weeks for the IAIA Biodiversity Symposium where he'll be presenting. Is there any chance you'd be available the morning of Nov 16<sup>th</sup> where I could introduce to you so you could hear about some of the innovative things he's involved with in the field?

Thanks in advance for the consideration!

Kind regards,

Sam

**Samantha McDonald**  
Director of Government Relations  
Independent Petroleum Association of America  
(202)857-4722 / [Visit IPAA](#) / [Visit ESA Watch](#)



**From:** [Roxbury, Lavon](#)  
**To:** ["gregory\\_sheehan@fws.gov"](mailto:gregory_sheehan@fws.gov)  
**Cc:** [Augello, Jeff](#)  
**Subject:** Re: PETPO v. U.S. FWS, Docket #17-465 NAHB Consent Request  
**Date:** Monday, October 16, 2017 10:41:10 AM  
**Attachments:** [Consent Request PETPO No.14-4165 FWS.docx](#)

---

Attached is our request for consent to participate as an amicus in the above-referenced case.



**LAVON ROXBURY** Legal Assistant

**National Association of Home Builders**

1201 15th Street, NW | Washington, DC 20005

**d:** 202.266.8359 **e:** [LRoxbury@nahb.org](mailto:LRoxbury@nahb.org) **w:** [nahb.org](http://nahb.org)

*We Build Communities*





**National Association of Home Builders**

1201 15th Street NW  
Washington, DC 20005

T 800 368 5242 x8490  
F 202 266 8161

jaugello@nahb.org  
www.nahb.org

**Office of the General Counsel**

Jeffrey Augello  
Senior Counsel

October 16, 2017

**BY FAX: (202) 208-6965**

**BY E-MAIL: Gregory\_Sheehan@fws.gov**

Greg Sheehan  
Principal Deputy Director  
U.S. Fish & Wildlife Service  
1849 C Street, NW Room 3331  
Washington, DC 20240-0001

**Re: People for the Ethical Treatment of Property Owners v. U.S. Fish & Wildlife Service, et al.  
Docket No. 17-465**

Dear Mr. Sheehan:

The National Association of Home Builders respectfully requests your consent to submit an amicus brief, in support of Petitioner, in the above-referenced matter. If you do consent, please send any consent letter, preferably by fax or e-mail, to my attention as follows:

Jeffrey B. Augello  
Senior Counsel, Office of General Counsel  
National Association of Home Builders  
1201 15<sup>th</sup> Street, NW  
Washington, DC 20005-2800

Phone: (202)266-8490  
Fax: (202)266-8161  
E-mail: [jaugello@nahb.org](mailto:jaugello@nahb.org)

Please do not hesitate to contact me if I may answer any questions.

Best regards,

Jeffrey B. Augello

**From:** [Parker Moore](#)  
**To:** [Frazer Gary](#)  
**Subject:** Re: RPBB effective date  
**Date:** Thursday, February 9, 2017 7:15:08 AM

---

Thanks very much, Gary.

On Feb 9, 2017, at 7:42 AM, Frazer, Gary <[gary\\_frazer@fws.gov](mailto:gary_frazer@fws.gov)> wrote:

Parker -- A notice of a delay in the effective date, until March 21, will be posted in the Federal Register's reading room today and will publish tomorrow. -- GDF

*Gary Frazer*  
*Assistant Director -- Ecological Services*  
*U.S. Fish and Wildlife Service*  
*(202) 208-4646*

On Fri, Feb 3, 2017 at 9:47 AM, Parker Moore <[PMoore@bdlaw.com](mailto:PMoore@bdlaw.com)> wrote:

Hi Gary,

With the February 10 effective date quickly approaching for the final regulation listing rusty-patched bumble bee as endangered, does the Service plan to issue notice in the Federal Register announcing a delayed effective date on account of the January 20 Prieus memo? I'm getting this question from a number of companies that are trying to incorporate surveys, time for consultation reinitiation, etc. into their project schedules.

Thanks very much for any insight you might be able to provide.

Best regards,

Parker

**Parker Moore**

*Principal*

 **BEVERIDGE & DIAMOND, P.C.**  
1350 I Street, NW, Suite 700, Washington, DC 20005  
T +1.202.789.6028 F +1.202.789.6190 [PMoore@bdlaw.com](mailto:PMoore@bdlaw.com)

---

**CONFIDENTIALITY STATEMENT:** This electronic message contains information from the law firm of Beveridge & Diamond, P.C. and may be confidential or privileged. The information is intended solely for the use of the individual(s) or entity(ies) named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this e-mail in error, please notify us immediately by telephone at +1.202.789.6000 or by e-mail reply and delete this message. Thank you.

**From:** [Samantha McDonald](#)  
**To:** [Sheehan, Gregory](#)  
**Subject:** RE: TX Hornshell  
**Date:** Monday, July 24, 2017 2:31:37 PM

---

Thank you! I noticed that the Texas Hornshell was slated for a listing determination in the [Unified Agenda](#) next month. The clock is ticking on this one and my companies will need to sign their intent letters to participate in the CCAA and CCA by August 7. Again, thank you for your interest and I appreciate your willingness to look into this for us. What is being stated in the field as fact is misconstrued and could lead to a listing decision that could adversely affect future operations in the region.

**From:** Sheehan, Gregory [mailto:greg\_j\_sheehan@fws.gov]  
**Sent:** Monday, July 24, 2017 1:04 AM  
**To:** Samantha McDonald <SMcDonald@ipaa.org>  
**Subject:** Re: TX Hornshell

Hi Sam

I have been running a bit and I apologize for not getting back to you sooner. I am learning more about this issue internally. I have not seen any listing documents so I don't know that anything is formally being finalized yet. Will get back to you.

Thanks  
Greg

On Tue, Jul 11, 2017 at 4:10 PM, Samantha McDonald <[SMcDonald@ipaa.org](mailto:SMcDonald@ipaa.org)> wrote:

Dear Mr. Sheehan,

Thank you so much for meeting with Dan and me on June 30<sup>th</sup>. We appreciated you hearing our concerns and asking so many great questions about the oil and gas industry.

Following up on our meeting, you requested letters outlining issues we were facing from the Service in the field. Attached is our first letter on the Texas Hornshell. We are more than happy to answer any questions you may have.

We appreciate your willingness to help and look forward to continued correspondence.

Best,

Sam

**Samantha McDonald**  
Director of Government Relations

Independent Petroleum Association of America  
(202)857-4722 / [Visit IPAA](#) / [Visit ESA Watch](#)



--

Greg Sheehan, Acting Director  
Principle Deputy Director  
US Fish and Wildlife Service  
1849 C Street NW, Room 3358  
Washington, DC 20240  
202-208-4545



**From:** [Parker Moore](#)  
**To:** [roslyn\\_sellers@fws.gov](mailto:roslyn_sellers@fws.gov); [gregory\\_sheehan@fws.gov](mailto:gregory_sheehan@fws.gov); [virginia\\_johnson@ios.doi.gov](mailto:virginia_johnson@ios.doi.gov); [casey\\_hammond@ios.doi.gov](mailto:casey_hammond@ios.doi.gov); [Thomas Irwin \(thomas\\_irwin@fws.gov\)](mailto:Thomas_Irwin(thomas_irwin@fws.gov))  
**Subject:** RE: Updated Invitation: Meeting (Casey and Parker Moore) on ESA listing of the rusty-patched bumble bee (Parker Moore)  
**Date:** Tuesday, July 11, 2017 4:00:03 PM  
**Attachments:** [2017-07-11 Proposed Agenda for RPBB Coalition Meeting with FWS.DOCX](#)

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Hi everyone,

On behalf of the members of the RPBB Coalition, we very much look forward to meeting with you tomorrow morning. If helpful, and subject to your preferences, attached is a proposed agenda of the high level topics we were hoping to cover during our time.

Sincerely,  
Parker

-----Original Appointment-----

**From:** casey\_hammond@ios.doi.gov [mailto:casey\_hammond@ios.doi.gov]  
**Sent:** Thursday, July 06, 2017 3:01 PM  
**To:** casey\_hammond@ios.doi.gov; gregory\_sheehan@fws.gov; Parker Moore; virginia\_johnson@ios.doi.gov  
**Subject:** Updated Invitation: Meeting (Casey and Parker Moore) on ESA listing of the ru... @ Wed Jul 12, 2017 1:15pm - 2:30pm (Parker Moore)  
**When:** Wednesday, July 12, 2017 9:15 AM-10:30 AM (UTC-05:00) Eastern Time (US & Canada).  
**Where:**

This event has been changed.

[more details »](#)

### Meeting (Casey and Parker Moore) on ESA listing of the rusty-patched bumble bee - Rm 3038

----- Forwarded message -----

From: Parker Moore  
Date: Tue, Jun 13, 2017 at 4:48 PM  
Subject: RE: Possible meeting dates with Casey  
To: "Sellers, Roslyn"  
Cc: Thomas Irwin

Hi Roslyn and Thomas,

I just tried to reach Casey with the date that works best on our end, but didn't catch him. I left him a message saying that I would follow up with you and request that you block out that time on his calendar (hopefully it is still open, but please let me know if not). Then we can confirm with Casey when he frees up that that time in fact is convenient for him.

If it's still available, we would like to schedule 1.5 – 2 hours with Casey on Wednesday, July 12 during the 9:00am – 11:00am slot.

When you have a moment, please confirm that that preliminary works (pending Casey confirming that). If it doesn't work anymore, our preferred backup date would be Tuesday, July 11 before noon.

Thanks again,  
Parker

Parker Moore  
Principal

BEVERIDGE & DIAMOND, P.C.  
T +1.202.789.6028 F +1.202.789.6190 [PMoore@bdlaw.com](mailto:PMoore@bdlaw.com)

When

**Changed:** Wed Jul 12, 2017 1:15pm – 2:30pm  
Coordinated Universal Time

Video call

[https://plus.google.com/hangouts/\\_/doi.gov/casey-hammond-p](https://plus.google.com/hangouts/_/doi.gov/casey-hammond-p)

Calendar

Parker Moore

Who

•  
casey\_hammond@ios.doi.gov -  
organizer

•  
thomas\_irwin@fws.gov -  
creator

•  
gregory\_sheehan@fws.gov

•  
Parker Moore

•  
virginia\_johnson@ios.doi.gov

Going? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)  
Invitation from [Google Calendar](#)

You are receiving this email at the account pmoore@bdlaw.com because you are subscribed for updated invitations on calendar Parker Moore.

To stop receiving these emails, please log in to <https://www.google.com/calendar/> and change your notification settings for his calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).

<< File: invite.ics >>

**Proposed Agenda for July 12, 2017 RPBB Coalition Meeting with FWS**

- 1) Attendee Introductions
- 2) Coalition Purpose/Goals
- 3) FWS updates on RPBB/questions for Coalition?
- 4) Coalition concerns with the listing decision
- 5) Coalition concerns with the FWS guidance documents
- 6) Coalition path forward

**From:** [Parker Moore](#)  
**To:** [roslyn\\_sellars@fws.gov](mailto:roslyn_sellars@fws.gov); [gregory\\_sheehan@fws.gov](mailto:gregory_sheehan@fws.gov); [virginia\\_johnson@ios.doi.gov](mailto:virginia_johnson@ios.doi.gov); [casey\\_hammond@ios.doi.gov](mailto:casey_hammond@ios.doi.gov); [Thomas Irwin \(thomas\\_irwin@fws.gov\)](mailto:Thomas_Irwin(thomas_irwin@fws.gov))  
**Subject:** Re: Updated Invitation: Meeting (Casey and Parker Moore) on ESA listing of the rusty-patched bumble bee (Parker Moore)  
**Date:** Wednesday, July 12, 2017 8:11:50 AM

---

Thanks again. We are all in conference room 3038 and look forward to seeing you shortly.

On Jul 11, 2017, at 4:59 PM, Parker Moore <[PMoore@bdlaw.com](mailto:PMoore@bdlaw.com)> wrote:

Hi everyone,

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Sincerely,  
Parker

-----Original Appointment-----

**From:** [casey\\_hammond@ios.doi.gov](mailto:casey_hammond@ios.doi.gov) [[mailto:casey\\_hammond@ios.doi.gov](mailto:casey_hammond@ios.doi.gov)]  
**Sent:** Thursday, July 06, 2017 3:01 PM  
**To:** [casey\\_hammond@ios.doi.gov](mailto:casey_hammond@ios.doi.gov); [gregory\\_sheehan@fws.gov](mailto:gregory_sheehan@fws.gov); Parker Moore; [virginia\\_johnson@ios.doi.gov](mailto:virginia_johnson@ios.doi.gov)  
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----- Forwarded message -----

From: Parker Moore  
Date: Tue, Jun 13, 2017 at 4:48 PM  
Subject: RE: Possible meeting dates with Casey  
To: "Sellars, Roslyn"  
Cc: Thomas Irwin

Hi Roslyn and Thomas,

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Thanks again,  
Parker

Parker Moore  
Principal

BEVERIDGE & DIAMOND, P.C.  
T +1.202.789.6028 F +1.202.789.6190 [PMoore@bdlaw.com](mailto:PMoore@bdlaw.com)

When

**Changed:** Wed Jul 12, 2017 1:15pm –  
2:30pm Coordinated Universal Time

Video call

[https://plus.google.com/hangouts/\\_/doi.gov/casey-hammond-p](https://plus.google.com/hangouts/_/doi.gov/casey-hammond-p)

Calendar

Parker Moore

Who

• [casey\\_hammond@ios.doi.gov](mailto:casey_hammond@ios.doi.gov) - organizer

• [thomas\\_irwin@fws.gov](mailto:thomas_irwin@fws.gov) - creator

• [gregory\\_sheehan@fws.gov](mailto:gregory_sheehan@fws.gov)

• Parker Moore

• [virginia\\_johnson@ios.doi.gov](mailto:virginia_johnson@ios.doi.gov)

Going? [Yes](#) - [Maybe](#) - [No](#) [more options »](#)

Invitation from [Google Calendar](#)

You are receiving this email at the account [pmoore@bdlaw.com](mailto:pmoore@bdlaw.com) because you are subscribed for updated invitations on calendar Parker Moore.

To stop receiving these emails, please log in to <https://www.google.com/calendar/> and change your notification settings for his calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. [Learn More](#).

<< File: invite.ics >>

<2017-07-11 Proposed Agenda for RPBB Coalition Meeting with FWS.DOCX>

**From:** [Samantha McDonald](#)  
**To:** [vincent\\_devito@ios.doi.gov](mailto:vincent_devito@ios.doi.gov); [gregory\\_sheehan@fws.gov](mailto:gregory_sheehan@fws.gov)  
**Subject:** THANK YOU!  
**Date:** Thursday, August 17, 2017 1:58:01 PM  
**Attachments:** [THS ext NR final.pdf](#)

---

Vince and Greg,

On behalf of my members, I wanted to thank you for the 6-month delay on the Texas Hornshell. They are most grateful for the extra time to allow their significant conservation efforts to come to fruition. It was a good call.

Best,

Sam

**Samantha McDonald**  
Director of Government Relations  
Independent Petroleum Association of America  
(202)857-4722 / [Visit IPAA](#) / [Visit ESA Watch](#)





# News Release

Public Affairs Office  
PO Box 1306  
Albuquerque, NM 87103  
505/248-6911  
505/248-7401 (Fax)

**Southwest Region (Arizona • New Mexico • Oklahoma • Texas)** <http://southwest.fws.gov>

**For Release:** August 9, 2017

**Contacts:** Lesli Gray, (TX), 972-439-4542, [lesli\\_gray@fws.gov](mailto:lesli_gray@fws.gov)  
Jeff Humphrey, (NM), 602-889-5946, [jeff\\_humphrey@fws.gov](mailto:jeff_humphrey@fws.gov)

## **Service Announces Six-Month Deadline Extension for the Final Listing Determination for the Texas Hornshell**

*Agency seeks additional information from public and scientific community*

The U. S. Fish and Wildlife Service today announced a six-month extension to its deadline for making a final determination on whether to list the Texas hornshell under the Endangered Species Act (ESA). The Service is taking this action on its 2016 proposal to list this freshwater mussel in order to solicit additional scientific information on the status of the species in Mexico. Accordingly, the Service is reopening the public comment period on the proposed rule for 30 days. We will make a final listing determination no later than February 10, 2018.

On July 7, 2017, the Service announced the availability of a draft Candidate Conservation Agreement (CCA), draft Candidate Conservation Agreement with Assurances (CCAA) and draft environmental assessment for the Texas hornshell and four other aquatic species that are found in west Texas and southeastern New Mexico. If the Service finalizes the CCA and CCAA, landowners and industry could sign up under these agreements during the six month deadline extension to the listing determination.

Once abundant throughout rivers in the Rio Grande basin in southern New Mexico, Texas, and Mexico and in rivers on the Mexican Gulf Coast, the Texas hornshell has experienced a dramatic decline. Today, it is the only native mussel remaining in New Mexico and is scarce in Texas, occupying only 15% of its historical U.S. range. River fragmentation and loss as a result of impoundments and reduced water quality and quantity are negatively impacting the Texas hornshell and other freshwater mussels across the Southwest. After thoroughly reviewing the best available science, on August 10, 2016, the Service proposed protecting the mussel as endangered under the ESA.

The Service encourages the public to review and provide comments on the listing proposal during the 30-day public comment period. Written comments must be received by close of business on September 11, 2017. Written comments may be submitted by one of the following methods:

- (1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter FWS-R2-ES-2016-0077. You may submit a comment by clicking on "Comment Now!"



(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R2–ES–2016–0077; U.S. Fish and Wildlife Service Headquarters, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

The Service asks that the public not resubmit previously submitted comments or information on the proposed rule. The Service has already incorporated them into the public record, and will fully consider them in the preparation of the final determination. The Service will consider all additional information, comments and recommendations received from all interested parties with the intention that any final action resulting from this proposal be as accurate as possible and based on the best available scientific and commercial data.

America's fish, wildlife, and plant resources belong to all of us, and ensuring the health of imperiled species is a shared responsibility. We're working to actively engage conservation partners and the public in the search for improved and innovative ways to conserve and recover imperiled species.

*The U.S. Fish and Wildlife Service works with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people. For more information on our work and the people who make it happen, visit <http://www.fws.gov/>. Connect with our [Facebook page](#), follow our [tweets](#), watch our [YouTube Channel](#) and download photos from our [Flickr page](#).*

-FWS-

<http://www.fws.gov/southwest>

**From:** [Samantha McDonald](#)  
**To:** [gregory\\_sheehan@fws.gov](mailto:gregory_sheehan@fws.gov)  
**Cc:** [Dan Naatz](#); [casey\\_hammond@ios.doi.gov](mailto:casey_hammond@ios.doi.gov)  
**Subject:** TX Hornshell  
**Date:** Tuesday, July 11, 2017 3:10:38 PM  
**Attachments:** [TX Hornshell.7.11.17.Sheehan.pdf](#)

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Dear Mr. Sheehan,

Thank you so much for meeting with Dan and me on June 30<sup>th</sup>. We appreciated you hearing our concerns and asking so many great questions about the oil and gas industry.

Following up on our meeting, you requested letters outlining issues we were facing from the Service in the field. Attached is our first letter on the Texas Hornshell. We are more than happy to answer any questions you may have.

We appreciate your willingness to help and look forward to continued correspondence.

Best,

Sam

**Samantha McDonald**  
Director of Government Relations  
Independent Petroleum Association of America  
(202)857-4722 / [Visit IPAA](#) / [Visit ESA Watch](#)





July 11, 2017

Gregory Sheehan  
Acting Director  
U.S. Fish and Wildlife Service  
U.S. Department of Interior  
1849 C Street NW  
Room 3358  
Washington, D.C. 20240

Dear Mr. Sheehan,

I am writing today regarding a proposed listing decision for the Texas Hornshell which is expected by August of 2017. IPAA members are concerned that the FWS is pre-disposed to listing the species as endangered under the Endangered Species Act (ESA) without sound data. This action would drastically and unnecessarily propel FWS involvement in existing regulatory programs. We strongly oppose the listing of this species under the ESA as endangered, or threatened and we want to draw your attention to information in the Texas Hornshell SSA report and several statements made by FWS officials at recent public hearings must be corrected or addressed.

By way of background, the Texas Hornshell was proposed for an endangered listing by FWS in August of 2016. On May 30, 2017, the agency reopened the comment period and announced two public hearings, one of which was held in Laredo, TX on June 13, 2017. Some of our members attended this hearing. The three threats to the species that were discussed included: over-sedimentation, loss of water flow, and diminished water quality. Related to the threat of low water flow, FWS staff stated that significant issues related to low water flow are due to oil and gas activities but there was no data given to validate this statement. FWS staff further stated their concern regarding droughts that could remain longer, with rain storms coming less frequent with larger impact, and the current trajectory for the Texas Hornshell is extinction. Oil and gas drilling and production water use is dwarfed by other water uses. For example, the New Mexico office of the State Engineer "Water Use by Categories 2010" summarized that all surface by the mining sector (including oil and gas) accounted for only 1.09% of the total water withdraws by all users. In the Pecos River basin, where the Texas Hornshell occurs, the NM Office of State Engineer reported that there were no surface water withdraws by the mining sector. In other words, the water use by oil and gas operations is so small as to have no appreciable effect on the Texas Hornshell and its habitat. FWS staff predicted that 30 days after listing, all other State or Federal agencies that regulate any activities that could impact the Texas Hornshell have to go through the FWS.

Recent information, including maps posted at the Laredo hearing from the FWS' Species Status Assessment report (July 2016), and the August 2016 proposed listing in the Federal Register, appear to rely heavily from data used to complete the Texas A&M report to the Texas State Comptroller's Office (Freshwater Mussels: Unionidae, Central and West Texas, *Final Report*; April 2017). Regarding population information, FWS stated that information shared from Mexico was collected in the 1980's, and reflective of qualitative vs. quantitative data. Despite the absence of more recent data the SSA

Report reaches an entirely supported conclusion stating that the species is believed to be extirpated from much of Mexico. Moreover, significant limitations have been recognized by the Intergovernmental Panel on Climate Change in its most recent evaluation of the state of climate change modeling. We do not believe this information represents the best scientific or commercial data available, a foundational standard for listing a species under the ESA, and the reliance on such data in this listing decision would be a mistake with vast ramifications the local landowners, communities and the industries that operate in those areas. As such, FWS should not proceed with this listing determination without the availability of a more recent qualitative data set for the species.

Having reviewed the SSA Report, IPAA believes our members exploring for or producing crude oil, natural gas and condensate in the region where the Texas Hornshell is found do not conduct operations in the species habitat as described in the report. FWS must correct this misinformation in the SSA report and revise its conclusions accordingly. While drilling and production operations and associated activities are conducted near areas where the Texas Hornshell is found, any such operations are carried out in compliance with permits issued by the States of New Mexico and Texas. Industry practices and the terms and conditions of these permits for drilling, production, gathering and transportation activities set requirements and provide guidelines to prevent impacts on the species. Additionally, operators design and construct pipelines and other infrastructure following best management practices for stormwater management and comply with putting in place Spill Prevention, Control and Countermeasure plans. Oil and gas producers and local landowners with farming and ranching activities on their lands are concerned that a listing will result in FWS involvement in existing regulatory programs, particularly water-use permitting with the States, which could negative impact and potentially curtail exploration and production activities, agriculture and ranching and other economically beneficial activities.

IPAA and its members believe development and conservation can and does coexist and that a listing of the Texas Hornshell would be ill-advised at this time. As you know, Section 4 of the ESA requires the Service to make a final listing determination within one year of its proposed rule to list a species, but the Service may extend this deadline by six months if “there is substantial disagreement regarding the sufficiency or accuracy of the available data.” We believe that a six-month extension is warranted.

Nonetheless, should the FWS proceed with listing, we would urge the FWS to recognize in any final listing rule that oil and gas activities within the Texas Hornshell habitat are minimal. All associated impacts to the species are prevented through existing State permitting requirements and therefore are not expected to rise to the level of “take” under the Endangered Species Act.

Thank you for your interest on this subject and please let us know how IPAA can assist with this matter.

Sincerely,



Dan Naatz, *Senior Vice President* of Government Relations and Political Affairs